

**Caucasus Institute for Peace, Democracy and Development**  
and **Saferworld**

# Taking stock:

**Small arms and human security in Georgia**



**David Wood**

Introduction by **Duncan Hiscock**

**September 2006**



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**SEPTEMBER 2006**

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## Acronyms and abbreviations

<b>ADGT</b>	Arms and dual-use goods and technologies	<b>MoD</b>	Ministry of Defence
<b>ASYCUDA</b>	Automated System for Customs Data	<b>MoE</b>	Ministry of Economy and Trade
<b>BSEC</b>	Black Sea Economic Co-operation	<b>MoJ</b>	Ministry of Justice
<b>CIPDD</b>	Caucasus Institute for Peace, Democracy and Development	<b>MFA</b>	Ministry of Foreign Affairs
<b>CIS</b>	Commonwealth of Independent States	<b>MTC</b>	Military Technical Commission
<b>CIVPOL</b>	Civilian Police	<b>NAMSA</b>	NATO Maintenance and Supply Agency
<b>COMTRADE</b>	UN Commodity Trade Statistics Database	<b>NATO</b>	North Atlantic Treaty Organisation
<b>CUG</b>	Citizens Union of Georgia	<b>NISAT</b>	Norwegian Initiative on Small Arms Transfers
<b>ENP</b>	European Neighbourhood Policy	<b>NMS</b>	National Military Strategy
<b>EU</b>	European Union	<b>NSC</b>	National Security Council
<b>EU CoC</b>	EU Code of Conduct on Arms Exports	<b>NSS</b>	National Security Strategy
<b>EUSR</b>	EU Special Representative	<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>GBSLE</b>	Georgia Border Security and Law Enforcement	<b>OSGF</b>	Open Society Georgia Foundation
<b>GDP</b>	Gross Domestic Product	<b>PfP</b>	Partnership for Peace (NATO)
<b>GEL</b>	Georgian Lari	<b>PGA</b>	Parliamentarians for Global Action
<b>GORBI</b>	Georgian Opinion Research Business International	<b>PKF</b>	Peacekeeping Force
<b>GTEP</b>	Georgia Train and Equip Programme	<b>PoA</b>	UN Programme of Action
<b>GTZ</b>	Gesellschaft für Technische Zusammenarbeit (Germany)	<b>SALW</b>	Small arms and light weapons
<b>GUAM</b>	Georgia, Ukraine, Azerbaijan and Moldova	<b>SECI</b>	Southeast European Co-operative Initiative
<b>ICD-10</b>	International Classification of Diseases	<b>SIPRI</b>	Stockholm International Peace Research Institute
<b>IDP</b>	Internally displaced person	<b>SOD</b>	Special Operative Department
<b>IMF</b>	International Monetary Fund	<b>ToE</b>	Table of Organisation and Equipment
<b>ISAB</b>	International Security Advisory Board	<b>UN</b>	United Nations
<b>JACIG</b>	Joint Arms Control Implementation Group	<b>UNDDA</b>	United Nations Department for Disarmament Affairs
<b>JPKF</b>	Joint Peacekeeping Force	<b>UNDP</b>	United Nations Development Programme
<b>KPS</b>	Kosovo Police Service	<b>UNITA</b>	National Union for the Total Independence of Angola
<b>IOM</b>	International Organisation for Migration	<b>UNOMIG</b>	United Nations Observer Mission in Georgia
<b>IPAP</b>	Individual Partnership Action Plan	<b>US</b>	United States
<b>MAP</b>	Membership Action Plan	<b>VLEC</b>	Virtual Law Enforcement Centre
<b>MIA</b>	Ministry of Internal Affairs	<b>WHO</b>	World Health Organisation

# Georgia



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# Executive summary

**TAKING STOCK: SMALL ARMS AND HUMAN SECURITY IN GEORGIA** presents the findings of research conducted on small arms and light weapons (SALW) and human security issues in Georgia by the non-governmental organisations Saferworld (UK) and the Caucasus Institute for Peace, Democracy and Development (CIPDD, Georgia). The report is comprehensive in scope, considering the ownership of small arms in the country, their use and misuse, their impact on individuals, communities and the state, public attitudes and perceptions towards arms and security, and the capacity of state institutions to control the proliferation and misuse of small arms. The research for this survey was undertaken during a seven-month period from December 2005 to June 2006. A variety of methods were used during the research, including a nationwide household survey of 1,300 respondents (excluding Abkhazia and South Ossetia), 14 focus group discussions, interviews with more than 50 key officials and opinion-formers and a review of official data and media reports.

The report is intended as a practical reference tool to aid policy makers in developing effective responses to the outstanding small arms problems facing Georgia at this time. To this end, periodic consultation meetings were organised as part of the research process so that officials from the Georgian Government might review preliminary research findings and comment on them. The views expressed during these consultations are reflected in the final research report.

Although this survey analysed the impact on arms proliferation and security of the two areas of Georgia's internationally recognised territory that remain outside the control of the central Government – Abkhazia and South Ossetia – it is focussed primarily on those areas currently under Tbilisi's control. This is purely because of a variety of practical difficulties related to undertaking such research in these areas during 2005–2006.

## Background

Small arms proliferation and misuse has had a dramatic and painful impact on Georgia since it gained independence from the Soviet Union in 1991, and has been no more obvious than in the various internal conflicts that afflicted the country in the early 1990s. These conflicts are still relevant today, not only because of the continued failure of all sides to reach political agreement over the final status of the regions of Abkhazia and South Ossetia, but also as a result of the economic decline, decreased human security, animosity and the large number of internally displaced persons that accompanied them. This heritage has meant that questions surrounding small arms ownership and its impact continue to be highly politicised in Georgia, creating difficulties for open debate and informed policy formulation on the topic. Small arms



control in the country has been further complicated by Georgia's regional ethnic, social and political disparities, which mean that some locations exhibit specific small arms dynamics. This is particularly the case regarding minority areas and the regions along Georgia's internal borders with Abkhazia and South Ossetia.

Despite this difficult environment, significant and commendable progress has been made to improve control over small arms proliferation and misuse, albeit in an unco-ordinated manner: the Government has managed to unify the once diffuse Georgian military under the central control of the Ministry of Defence; an international arms transfer control system has been established and greater investment has been made in the management of Georgia's borders; and, perhaps most importantly, the police and justice system is undergoing a major overhaul intended to improve its ability to ensure human security. While this is the case, much still needs to be done to minimise the risks presented by illegal arms proliferation and misuse.

This summary outlines the priorities facing Georgia's national small arms controls system. The following report analyses each of these findings in more detail along with the key achievements of the Georgian Government regarding small arms control and human security. Recommendations for future actions are then provided at the end of the report.

### **Possession of firearms**

- Licensing and registration of legally held firearms has improved substantially in the period 2004–2006 through enhanced recording procedures for firearm licences and reduced corruption within the licensing system.
- Georgia has introduced strong legislation to regulate civilian small arms ownership and use. While this is the case, licensing requirements are unduly liberal in a number of areas:
  - Those applying for self-defence weapon permits, such as those for pistols and revolvers, do not need to provide evidence of a threat to their person or property in order to receive a licence
  - Successful applicants are not required to undergo an extensive firearms training course
  - There is no stipulation in legislation allowing police officers to check home storage conditions or licences and there is no effective system for seizing weapons where licences have expired, or for enforcing licence renewal.
- There is no clear categorisation of those weapons that can be legally owned by civilians and those that are prohibited, as a State Weapons Register has not yet been created, even though this is required by law.
- There is no clear framework for disseminating information on the licensing system within the domestic arms trade or amongst the Georgian population. As a result, knowledge of the licensing system appears to be poor amongst the general public and especially low amongst non-ethnic Georgian communities.
- No specific legislation regulates the provision of private security services and the licensing of private security companies. This has severely undermined control of this sector in a number of ways:
  - It is not possible to know exactly how many private security companies are presently operating in Georgia or the number and type of firearms employed by them
  - No standard training exists in the use of force and firearms
  - There is no formalised relationship between private security companies and government agencies, including the police.
- It is estimated that at least 159,000 registered weapons are in the hands of individual citizens and legal entities, while upwards of 250,000 weapons are illegally held.

- Demand for weapons is primarily due to insecurity, the fear of crime and traditional affiliations with firearms. Demand for firearms is greater in Kakheti, Mtskheta-Mtianeti, Kvemo Kartli and Shida Kartli.
- The agency tasked with combating illegal firearm ownership within the country, the Special Operative Department, has not conducted an assessment of illegal ownership patterns or developed a strategy to combat the threat posed by it.
- Illegal weapon ownership is most widespread in Tbilisi, followed by Imereti, Ajara, Samegrelo-Svaneti, Kakheti and Shida Kartli. Illegal firearm ownership is also greater amongst non-Georgian ethnic communities in Kvemo Kartli.
- Demand for illegal weapons is especially high amongst young men aged between 18 and 29.

### **Firearms use and misuse**

- The criminal justice system's ability to combat firearm crime has improved substantially with: more firearm crimes recorded by the police due to increased trust in the police and improved recording procedures; more firearm crimes solved by the police; increased capacity of the General Prosecutor's Office to record and track criminal procedures.
- While security provision has improved, a large proportion of victims of crime are still unwilling to report crime to the police, with levels of trust in the police to provide security remaining especially low amongst non-ethnic Georgians.
- While law enforcement has improved, crime prevention has been undermined by the absence of strategic planning to combat firearm crime and misuse.
- Fear of crime appears to be lower in Georgia than in many other post-Soviet countries: only 23 percent of Georgians are afraid that they or their family might become a victim of crime and crime levels are, on the whole, thought to have diminished over the last year.
- Those living in rural areas and the suburbs of large towns, where the Patrol Police are less active, and residents of Tbilisi, where the fear of crime is increasing, do not feel increased security to the same degree as the rest of the country.
- The household survey unveiled a significant fear of gun crime and its impacts, especially armed robbery: 36 percent of respondents to the household survey stated that armed robbery was a principal cause of insecurity, behind only murder and robbery.
- In 2005, gun crime accounted for 4.5 percent of all recorded crime and was most common in Tbilisi (56 percent of all such crime) followed by Imereti, Samegrelo-Svaneti, Shida Kartli and Kvemo Kartli. In addition, rural respondents were also more likely than urban respondents to name armed crime as a regular occurrence in their community.
- The majority of respondents to the household survey perceived the availability or use of firearms to be a major concern where they lived. 21 percent of respondents to the household survey stated that it was 'extremely common' or 'quite common' for conflicts in their community to involve firearms. Concern over the societal impact of firearms availability and use was greater in Samtskhe-Javakheti, rural areas and amongst non-ethnic Georgians.
- While information on domestic violence involving small arms is not collated at present, evidence from focus groups and the national household survey suggests that it is a widespread occurrence.
- While comprehensive mortality and morbidity figures are not collated, research indicates that approximately 1,250 firearm-related injuries were treated by Georgian hospitals in 2005, of which 50 resulted in death.

### **Production and trade**

- For the most part, the legislative and regulatory framework controlling the production and trade of SALW is adequate to meet present needs. Present arms production appears to be limited to the manufacture of components for sports and hunting weapons.
- Due to poor capacity within the Ministry of Justice, regular inspections of gun shops and production facilities are not conducted at present.

### **Management of state small arms holdings**

- Reforms of the Georgian security services have resulted in a reduction of the number of military forces tasked with ensuring security and defence under the Georgian Constitution. As a result, and possibly for the first time since independence, the Georgian armed forces are unified and well controlled.
- Although official data on the subject is classified, it is estimated that Georgia presently maintains between 76,000 and 91,000 state-held SALW, excluding those under the control of the Russian forces in Georgia.
- The Georgian military is in the process of adopting more advanced needs identification, stockpile security and inventory practices. While this is the case, an accurate assessment of Georgia's stockpile security needs is difficult, due to limited information.
- The Georgian military is engaged in a significant procurement process, which should increase the number and type of SALW at its disposal. Further, Georgian military expenditure is increasing at a faster rate than in any other country in the world.
- There is evidence that the use of firearms by state security agencies, and the Ministry of Internal Affairs and the Ministry of Justice in particular, poses a threat to human rights and public safety and is not in accordance with international best practice as outlined in the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.

### **Collection and destruction of small arms**

- While several collection campaigns have taken place in Georgia, poor record keeping and transparency mean that it is not clear how many weapons have been collected in total. However, according to available information, between 13,750 and 23,350 weapons have been collected on Georgian government-controlled territory as of March 2006.
- An ongoing amnesty for illegal weapons, provided that they have not been used in the execution of a crime, is presently in place, but has not yet proven successful.
- Plans are presently underway to develop a destruction programme for military SALW during the period 2006–2009, and to this end the Ministry of Defence has already undertaken a comprehensive inventory of stockpiled SALW in order to identify non-functional and surplus units. However, it is not yet national policy to destroy all weapons seized from the public.

### **International arms transfer controls and border management**

- Georgia has made good progress over the last decade in developing a legal framework to govern the transfer of arms and dual-use goods. National legislation in this area now regulates the majority of trade including direct import and export, re-transfer and transit. Legislation also includes a number of progressive stipulations, such as end-user certificates, and post-delivery verification for transfers of selected goods. While this is the case, legal provisions are still inadequate in a number of areas:

- End-user certificates are not required for transfers to recognised state agencies in other countries and most contracts do not permit state agencies to perform checks on end-use
- Re-export from Georgia can occur without a permit from the authorised agency of the original exporting country
- Legislation does not regulate brokering.
- Oversight of transfers by state agencies is poor:
  - The Ministry of Defence is both chief regulatory agency for military purpose arms and dual-use goods transfers, and the main state agency engaged in the transfer of such goods
  - Transfers by state agencies and their subordinate bodies are no longer licensed by the Ministries of Justice and Economy but by the Military Technical Commission directly.
- The central role of the President in Georgia's transfer licensing system does not accord with European or international norms in this area and may lead to politicised decision-making on arms transfers that does not favour dispassionate and objective criteria-based judgements.
- The decision-making criteria and procedures by which arms transfer licence applications are considered are not clearly developed or publicised.
- The total amount of SALW imported into Georgia has increased dramatically in the period 2003–2006 in line with Georgia's increased military expenditure, from approximately US\$2.8 million in 2003 to US\$22.9 million in 2004, although this figure will also capture some non-SALW items.
- SALW exports from Georgia have been minimal since 2000, approximately US\$250,000 per annum, and are mostly comprised of parts of sports and hunting rifles and shotguns.
- Government officials believe that trafficking in small arms does not represent a major concern for Georgia. However, the lack of comprehensive information on seized contraband, combined with past incidents of small arms trafficking and cross-border incursions by armed groups indicates that such trafficking could resume if demand for firearms increased.
- While the Border Police is undergoing a process of demilitarisation and reform, no threat analysis or strategic plan guides this work. The organisation also lacks clear standard operational procedures and job descriptions for staff.

### **Transparency and oversight**

- Transparency within government ministries on topics relating to small arms is improving. Transparency and co-operation on these issues was especially good during the research for this report from the Ministry of Internal Affairs, the Border Police and the Ministry of Foreign Affairs. While this is the case, transparency remains low in a number of areas:
  - Reporting on arms transfers is fragmented and could be improved. While official information is available on the amount of SALW imported into Georgia by Georgian gun shops, information is not publicly available on civilian purpose exports or imports and exports for use by security services. In addition Georgia does not presently report on international arms transfers on a regular basis
  - Little information is available on state SALW holdings or stockpile maintenance standards
  - Information concerning small arms issues is not made routinely accessible to parliamentarians or private citizens. Public and parliamentary oversight of security issues in general and small arms control issues in particular is therefore not systematic. For example, there is no requirement for reporting to Parliament on licensing decisions.

- Though there have been some positive examples of co-operation between the Government and civil society on security affairs, a culture of secrecy remains across parts of the security sector that will take time to eradicate.

### **Co-ordination and policy formulation**

- There is a high degree of willingness amongst staff in most law enforcement departments to improve their co-ordination and information-exchange with other departments, and an awareness that despite resource shortages, this is necessary.
- Co-ordination between the various government ministries and agencies that should collectively work to solve Georgia's small arms control problems has been historically poor, both at the level of policy and operations. At present, no over-arching structure or strategy exists across government to guide policy development, oversee its implementation and co-ordinate the work of different ministries and departments.
- Information exchange and co-operation within the domestic civilian licensing system is poor and has undermined its operations, most notably by the failure to establish a State Weapons Register.
- The subordination of the Military Technical Commission to the Ministry of Defence and its present composition of Defence staff can be considered a backward step regarding interagency co-operation on arms transfer licensing decisions.
- Communication and co-operation within the Border Police, with the rest of the Ministry of Internal Affairs and other government departments remains poor. Communication is especially poor between the Border Police and the Customs Department, which have traditionally had unco-operative relations.
- There are currently no regional mechanisms or initiatives for combating illicit arms trafficking and preventing the proliferation and misuse of small arms within the Caucasus region as a whole. The lack of a framework for co-operation on this issue undermines national attempts by the Georgian Government to bring domestic small arms proliferation and misuse under control.

# Survey background and methodology

## **AS THE INTERNATIONAL COMMUNITY HAS INCREASINGLY RECOGNISED**

over the last 15 years, the uncontrolled proliferation of small arms and light weapons (SALW) can have devastating impacts on peace and security. Small arms are the weapons of choice in the vast majority of the world's conflicts, due to their availability and ease of use. In many post-conflict areas, small arms are still readily accessible, armed violent crime remains alarmingly commonplace and the very presence of small arms can be a major cause of insecurity. In the early 1990s, large amounts of small arms entered into circulation in Georgia, with several conflicts breaking out in the South Caucasus as the Soviet Union collapsed. By the middle of the decade, ceasefires were signed, the situation began to stabilise and small arms proliferation gradually became less of a high-profile issue. Yet despite the work undertaken by the authorities to collect weapons and strengthen arms control, there is still a widely-held perception that Georgia remains 'awash with guns'.

In order to respond effectively to this threat, co-ordinated action is needed at every level, from local communities to national governments and the international community. At the international level, all states have committed themselves to the *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects* (the UN PoA), agreed in July 2001, which contains a wide array of measures to combat the illicit proliferation of small arms. Further commitments have been made within the Organisation for Security and Co-operation in Europe (OSCE) Document on SALW, signed in November 2000. The importance of small arms control is also increasingly recognised by the North Atlantic Treaty Organisation (NATO) and the European Union (EU), the latter of which published its own strategy for SALW control measures in February 2006.

Comprehensive arms control initiatives at the national level should address a wide range of issues, including:

- Strengthening legislation and procedures for arms imports, exports and brokering, to prevent arms dealers and criminals from exploiting loopholes
- Improving security of state stockpiles (eg army and police weapons) to prevent leakage
- Collection or registration of illegally held civilian weapons to ensure they are under state control
- Awareness campaigns, to ensure that the public is aware of the risks of incorrect storage and use of weapons

- Licensing and monitoring of gun shops and traders, to ensure that weapons do not end up in the wrong hands.

However, the success of all of these measures depends on the local history, the contemporary environment and correct identification of suitable small arms control measures. This in turn depends on access to comprehensive information on the small arms challenges being faced. For this reason, it is widely recognised as best practice for states to undertake a comprehensive SALW survey at the national level to provide baseline information before embarking on large-scale small arms control initiatives. This problem has been recognised by the Georgian Government, which has long accepted that Georgia continues to face a number of challenges in the field of small arms control.

At an international seminar in March 2005, the Georgian Government stated its intention to develop new measures to improve arms control within the country and recognised the benefits that a national SALW survey would offer in providing baseline data to inform initiatives in this area.<sup>1</sup> The present report is designed to fill this information gap. It presents the findings of research carried out in Georgia by Saferworld and the Caucasus Institute for Peace, Democracy and Development (CIPDD) from December 2005 to June 2006, and is the first such survey to be undertaken within the Commonwealth of Independent States (CIS) region. It was funded by the UK Government's Global Conflict Prevention Pool. The survey had the following objectives:

- Assess the geographic and demographic extent of small arms possession and use
- Assess and highlight the nature of small arms trafficking and circulation
- Investigate the human and social impact of small arms use
- Assess the scale of the small arms problem vis-à-vis other socio-economic and political issues
- Outline measures established and needed to control small arms use.

The Georgia SALW Survey was undertaken using a method that was originally designed by the United Nations Development Programme (UNDP) and has been further developed by Saferworld based on the experience of conducting similar surveys in various countries around the world.<sup>2</sup> In addition, Saferworld and CIPDD also adjusted the method in order to account for local conditions. The full methodology is outlined in **box 1**.

The survey method and objectives were discussed in detail with the Government at a round table meeting in December 2005<sup>3</sup>, and the drafting phase was accompanied by in-depth discussion with relevant officials of the findings generated by the research and possible policy responses to them. A separate document presenting preliminary findings and recommendations was submitted to all relevant ministries. Once initial feedback had been received and appropriate amendments had been made, this document was presented to the Government at a closed-door round table meeting in Tbilisi 11 May 2006.

While this research is aimed primarily at Georgian Government officials, international donors and small arms practitioners who require an overview of the current situation with regard to small arms proliferation in the country, it is also hoped that the report will be of interest to a wider audience of civil society organisations, journalists, academics and concerned members of the public. Indeed, it is envisaged that the survey will form the first part of a wider consultation process between the Georgian Government, the international community, and civil society, leading to the development of a co-ordinated government response to small arms challenges.

<sup>1</sup> 'Establishing an Inter-Agency Monitoring Group on Small Arms in Georgia', a roundtable organised by the Military-Technical Commission of the National Security Council of Georgia, the Caucasus Institute for Peace, Democracy and Development, and Saferworld, Tbilisi, 11 March 2005

<sup>2</sup> Saferworld has already conducted comprehensive SALW surveys in Albania, Bulgaria, Moldova, Kenya, Kosovo, Namibia, Serbia, Sri Lanka and Uganda.

<sup>3</sup> 'The Georgia SALW Survey – An introductory meeting', hosted by the British Embassy in Tbilisi, the Caucasus Institute for Peace, Democracy and Development, and Saferworld, Tbilisi on 13 December 2005.

## Box 1: Survey methodology

- A nation-wide **household survey**, conducted in Georgian and Russian by Georgian Opinion Research Business International (GORBI), a Tbilisi-based sociological research company. The survey was carried out in the areas under the control of the Tbilisi Government between 5 and 20 December 2005 and was answered by 1,300 respondents (47 percent male, 53 percent female). The survey was conducted according to a five-stage random cluster sampling with 95 percent confidence that the maximum error attributable to sampling and other random effects is  $\pm 2.7$ .
- More than **50 key informant interviews** to access information on, and assess, state capacities and resources, official data, policy, practice, identified problems, past measures and initiatives relevant to SALW control. Key informants included government, police, customs officials, military experts, journalists, parliamentarians, civil society leaders, and representatives of international organisations and embassies (see Annex 1).
- **14 focus groups** in Tbilisi, Kutaisi, Akhaltsikhe, Zugdidi, and Marneuli, to explore small arms perceptions, issues and dynamics in social and geographical groups of particular interest (those living near conflict zones, national minorities, former employees of law enforcement agencies, and women). The focus groups were led by representatives of GORBI according to guidelines developed in co-operation with Saferworld and CIPDD (see Annex 1).
- **A desk review** of relevant research (both international and national) published on SALW or associated issues, including for example, previous small-scale surveys on SALW, research on military reform and security, human rights reports, etc.
- **Official data sources on small arms controls, crime and medical statistics** provided by government officials during interviews, in response to letters requesting information, and open sources.

Although this survey will look in some detail at the impact of the two areas of Georgia's internationally recognised territory that remain outside the control of the central Government – Abkhazia and South Ossetia – on arms proliferation and insecurity, it is focussed primarily on those areas which are currently under Tbilisi's control. This is because of logistical and methodological difficulties relating to undertaking such research in these areas in 2005–2006. Saferworld and CIPDD recognise that ultimately, improving small arms control in Georgia and the South Caucasus requires both comprehensive research across the region and suitable regional co-operation on this issue.<sup>4</sup> It should be noted that the Georgian Government uses the terms 'former Autonomous Area of South Ossetia' and the 'Tskhinvali region' to denote the area which is referred to as 'South Ossetia' in this report.

<sup>4</sup> This was the approach that was taken in Matveeva A and Hiscock D (eds) *The Caucasus: Armed and Divided – Small arms proliferation and humanitarian consequences in the Caucasus* (Saferworld, 2003), which contains sections on all areas of the South Caucasus.



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# Introduction

**THE SMALL ARMS DYNAMICS IN GEORGIA** cannot be fully understood without placing them in the appropriate political and social context. This is not always an easy affair, given Georgia's painful history over the last 20 years, its complicated political development and the multitude of challenges that the Georgian Government still faces. This introduction aims to outline the major dynamics that have had an impact on small arms proliferation and the states ability to control small arms since independence from the Soviet Union. Many of these factors are interlocking and it makes little sense to deal with each one in isolation. Instead, this section is broken up into three sub-sections.

The first section provides a brief chronological history of Georgia over the last 15–20 years, with reference to the major events that have influenced small arms proliferation and control. This includes a short description of the major conflicts Georgia suffered in the early 1990s, its history of tension with Russia, the development of Government capacity and the course of these dynamics up to the present day. The second section considers the impacts these unresolved conflicts have on small arms issues, both in terms of practical day-to-day control measures and the wider impact on public perceptions and political debate. The third section looks at the direction of reforms in the Georgian security sector, the capacity of the state to implement these reforms and provide security, and the continued legacy of secrecy in security affairs.

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## 2.1 A brief history of Georgia since independence

### **The early 1990s: Separatist conflicts and civil war**

More than many parts of the Soviet Union, Georgia had always maintained a separate identity and culture, and when reforms initiated by Mikhail Gorbachev in the mid-1980s allowed greater freedoms into the political sphere, calls for independence soon began to grow and on 9 April 1991 Georgia unilaterally declared independence from the Soviet Union. Zviad Gamsakhurdia, a famous dissident and writer, was confirmed as Georgia's first president a month later. However, Gamsakhurdia's autocratic and erratic style of rule soon generated powerful enemies and within a few months various armed factions had sprung up. By December 1991, Gamsakhurdia had been disposed in a violent coup led by an armed militia known as the *Mkhedrioni* (Horsemen), who established a Military Council, soon renamed as the State Council, to run the country. The leader of the State Council, effectively the President, was Eduard Shevardnadze, who had returned to Georgia after the formal dissolution of the Soviet Union. The Presidency was officially restored in 1995, and Shevardnadze was duly elected.

Gamsakhurdia and his supporters made several attempts to regain control of the country. The most serious of these was in September 1993, when Gamsakhurdia, himself capitalising on the chaos in Abkhazia (see below), returned to Georgia to foment a civil war. He soon captured much of Western Georgia, establishing a 'government in exile' in the town of Zugdidi. Eventually this rebellion was suppressed with support from Russia, and Gamsakhurdia died in unexplained circumstances soon after.

At the same time as Georgia was moving towards independence, violence broke out over the status of the Autonomous District of South Ossetia. The district was one of two autonomous Ossetian districts in the former Soviet Union, the other being North Ossetia in the North Caucasus, part of the Russian Federation. South Ossetia felt threatened by Gamsakhurdia's nationalistic rhetoric during his rise to power in the late 1980s, and disputes sprang up over language issues and elections for the South Ossetian Supreme Soviet (parliament). By early 1991 this had escalated into violence, which continued to grow until a ceasefire (the Dagomys Agreement) was signed by Shevardnadze in Sochi in Russia in July 1992, by which time as many as 2,000 had died and over 50,000 internally displaced persons had been created by the conflict.

Soon after independence, Tbilisi faced a similar challenge in Abkhazia, in the North West of the country. In the early years of the Soviet Union, Abkhazia had been on a more equal footing with Georgia, before being integrated into Georgia as an Autonomous Republic during a territorial reshuffle in the 1930s. When Abkhazia began to demand greater autonomy in 1992, Tbilisi, fearing that this would lead to eventual independence, sent troops into the region. Supported by volunteers from the North Caucasus, the Abkhaz forces launched a successful counter-attack against government troops, which were routed from Abkhazia by September 1993. It is estimated that by the time of the ceasefire, several thousand people had died and about 300,000 people, constituting almost the entire Georgian population of Abkhazia, had become internally displaced.

Meanwhile, Aslan Abashidze, the ruler of the other autonomous region in Georgia, the Ajaran Autonomous Republic, exploited the chaos to establish a high level of independence from the central Government. Local branches of the Georgian state ministries stopped taking orders from Tbilisi and became entirely subordinate to Abashidze's regional administration. As a result, by the mid-1990s Tbilisi had no real control over Ajara and, at times, Ajara's borders were even closed to visitors from the rest of Georgia.

It was against this unpromising backdrop that Georgia began to develop independent institutions of state. Creating armed and police forces posed a number of challenges. Firstly, there was a scramble to divide up the large Soviet stockpiles of both heavy and light weaponry that remained in Georgia and the South Caucasus. Some weapons were removed to Russia, or were kept at the four Russian bases that remained on Georgian territory after independence. Others were divided up in a series of legal agreements between the successor states of the Soviet Union. Others still disappeared from state stockpiles – often under the cover of 'staged robberies' – and found their way into the hands of the numerous paramilitary groups active in the region. Secondly, the authorities had to decide how best to deal with the paramilitary groups that were operating in Georgia: should they be integrated into the Georgian Armed Forces (and Police), or should they be disarmed? Thirdly, Georgia was required to create new ministries on the basis of the local branches of the old Soviet ministries. Generally these local branches lacked both the expertise and resources to operate independently, as they had primarily functioned as executing agencies for policy devised by the Soviet Union in Moscow. The end result was that many of the government branches that remained in Georgia after the collapse of the Soviet Union were only nominally, or not at all, under state control.

### 1995 to 2003: Stability and stagnation

By 1995, a fragile sense of stability began to return to Georgia. Despite the lack of any permanent resolution to the conflicts, ceasefires were holding in both South Ossetia and Abkhazia. Shevardnadze's Government began to crack down on paramilitary groups (including, in 1995, the *Mkhedrioni*) and managed re-established some sense of security in many parts of the country. A semblance of democracy was established by presidential elections and a reformist, Westward-looking course was set.

Despite this, a large number of factors ensured continued instability for much of the population. The Georgian economy had contracted significantly since 1991, at least 350,000 internally displaced persons were dispersed around the country, and several areas of Georgia's internationally recognised territory continued to operate beyond the control of the central Government. In addition, Georgia's security and justice apparatus continued to be under-resourced, unreformed, permeated with corruption and unable to provide for the basic security needs of the Georgian population. As a result, the Georgian Government was not able to project much power over the entirety of the territory that it did control. This was most notably the case amongst communities living along Georgia's international borders and in the country's mountainous regions, particularly in the north.

As a result of the continued economic and physical insecurity, Georgia's population began to sink, with many young and bright people moving abroad to look for jobs, either elsewhere in the former Soviet Union or in the West.

For its part, the West (especially the United States – US) ploughed relatively large amounts of aid into Georgia, encouraged by its pro-Western orientation and historic good will towards Shevardnadze from his time as Foreign Minister for the Soviet Union under Gorbachev. Emphasis was placed on developing democratic institutions, including a vibrant civil society. A deal signed in 1994 to run an oil pipeline from Baku (Azerbaijan) on the Caspian Sea, through Georgia to Ceyhan on Turkey's Black Sea coast also enhanced Georgia's strategic importance.

By the start of the next millennium, however, the reform process in Georgia had stagnated. Corruption, which had been a problem in Georgia even in Soviet times, had permeated every corner of life, with Shevardnadze and his entourage perceived as the biggest culprits of all. This endemic corruption had meant that little real effort had been made to strengthen the state, with reforms often blocked entirely or perverted to suit the ends of key officials.

Relations with Russia, which had never been warm, deteriorated when Georgia was accused of harbouring Chechen separatists and terrorists in the Pankisi Gorge, a remote northern region near the Chechen border populated largely by Kists, close ethnic relatives of the Chechens, and refugees from the conflict. The Georgian authorities seemed unable or unwilling to respond to these accusations, only tightening security in the area after Russia launched air strikes and threatened unilateral military action in the gorge in late 2002. Things were further complicated by the ongoing dispute over the remaining Russian bases on Georgian territory. At an OSCE Summit in Istanbul in 1999, Russia committed itself to closing two bases (in Vaziani and Gudauta) and reaching agreement on the closure of the other two (in Batumi and Akhalkalaki) by late 2001. Though Vaziani and Gudauta were closed more or less in accordance with this agreement, the fate of Batumi and Akhalkalaki remained undecided, with Georgia accusing Russia of stalling tactics. Georgia also regularly made allegations that these bases were not secure and were a source of small arms proliferation in the region.

Even the EU and the US had become disappointed with the progress of reform in Georgia. The EU, responding to a series of kidnappings of Westerners, announced its intention to downgrade its relations with the Georgian Government and restructure its assistance to the country. This resulted in a re-write of the Country Strategy Paper 2002–2006, the strategic framework for providing assistance to Georgia. Likewise, the

US seemed increasingly disillusioned with the results of its co-operation with the Government, and began allocating a larger proportion of its assistance to Georgia for the development of civil society.

### **2003 to present: The Rose Revolution and the Saakashvili Government**

It was in large part this sense of stagnation and despondency that catalysed the events that are now well known around the world as the 'Rose Revolution'. Claiming that the parliamentary elections of 2 November 2003 had been rigged to give Shevardnadze's Citizens Union of Georgia (CUG) a majority, opposition groups went out on the streets of Tbilisi to protest. Despite fears that Shevardnadze would use violence in order to disperse the protests, they continued to gather momentum. When Shevardnadze tried to convene the new parliament on 22 November, a mass of people broke into the new parliament building, led by Mikheil Saakashvili clutching a red rose above his head. By the next day, the Shevardnadze regime was over without a shot being fired. Saakashvili was elected as president with an overwhelming 96 percent of the votes in January 2004, and on 28 March 2004 his National Movement – Democrats party took the large majority of seats in the repeat parliamentary elections.

The Saakashvili Government declared that Euro-Atlantic integration was essential for the country, with membership of NATO and the EU its overriding goals. To achieve this, wide-reaching reforms were rapidly launched in almost every sphere of public life, from economics to education to the military. The relevant reforms are dealt with in more detail below.

The other key priority identified by the new government was the 're-unification' of the country. The first target was Ajara, where Aslan Abashidze continued to rule uncontested. Using tactics akin to those they had employed during the Rose Revolution, Saakashvili's Government set about stirring up public protests in the Ajaran capital, Batumi. Abashidze responded by closing the borders and distributing weapons to his supporters, leading once again to fears of violence, which escalated after the Ajaran regime blew up the main bridge into the region from the rest of the Georgia. This act served only to fuel local discontent, however, and by the middle of May Abashidze had fled the country and Ajara was back under central control.

In summer 2004 Tbilisi attempted to try a similar strategy in South Ossetia, expecting that a combination of high-profile 'humanitarian aid' and strong political pressure would yet again show the local leader to be unpopular and trigger protests against them. This failed to take account of the continued distrust engendered by the still unresolved conflict, and soon backfired. Instead, the build-up of Georgian Interior Troops (under the Ministry of Internal Affairs – MIA) in the region massively inflamed tensions, and gunfire was exchanged on a nightly basis between Georgian and Ossetian villages in the zone of conflict. These tensions were eventually calmed by late August 2004, but not before several people on both sides had died.

Since then, the Georgian Government and Parliament have attempted to achieve their aims through aggressive diplomacy. This brought results in May 2005, when the Georgian Parliament adopted a series of tough measures to put pressure on Russia to finally close its remaining bases; Russia eventually agreed to close these bases by 2008.

In February 2006, the Parliament employed a similar tactic with regard to peacekeeping in South Ossetia, passing a resolution to block the routine extension of the peacekeeping operation. The Georgian Government has made it clear that it considers the current situation – in which the zone of conflict is regulated by a quadripartite Joint Peacekeeping Force (JPKF) made up of South Ossetian, North Ossetian, Russian and Georgian soldiers – to be ineffective; likewise, it denounces the format of peace negotiations as biased against it, and has pushed heavily for the EU and the US to join the peace process, as they did in the Moldova-Transdniestria conflict resolution process in

2005. South Ossetian and Russian officials have both rejected these demands, and warned that any changes to the peacekeeping format could be very destabilising.

The new momentum generated by the Saakashvili Government has forced the EU to re-assess its engagement in the South Caucasus region. It reversed its decision to leave Georgia, Armenia and Azerbaijan out of the European Neighbourhood Policy (ENP), inviting them to join on 14 June 2004. The EU and Georgia are now in the process of developing a comprehensive ENP Action Plan. The ENP does not in itself constitute a step towards EU membership, but significantly enhances co-operation with the EU in several key areas, including security. In the meantime, EU co-operation with Georgia is still based on assistance under the revised Country Strategy Paper,<sup>5</sup> and through the EU Special Representative (EUSR) to the South Caucasus, Peter Semneby.<sup>6</sup> The US has also further upgraded its co-operation with Georgia, most notably through the Millennium Challenge Fund. This is a new mechanism that aims to encourage development through major infrastructure projects and supporting the private sector; a US\$295m five-year programme was agreed for Georgia in summer 2005.

## 2.2 The impact of the unresolved conflicts

### Impact on practical small arms control measures

The unresolved conflicts impact practically on small arms control measures in Georgia in a number of ways. Firstly, and most obviously, the Georgian Government does not have control over areas that are internationally recognised as part of its territory. Since the administrations of South Ossetia and Abkhazia are not recognised by any country as independent, they are thus not subject to any regional or international legal or political commitments, as Georgia is. Rather, Georgia is technically responsible for arms control in these areas, despite the practical impossibility of fulfilling its obligations.

Similarly, the Georgian Government does not control significant sections of its northern border (with Russia): the whole of the South Ossetian section, and most of the Abkhazian section of this border are controlled by local forces. Since the borders between both Abkhazia and South Ossetia and the rest of Georgia are not considered by the Georgian authorities to be state borders, there is effectively a porous border which the government cannot fully control. This is mitigated against by the presence of Georgian customs officials on the road into South Ossetia.

Thirdly, Tbilisi's control over the areas which border Abkhazia and South Ossetia is limited. This is especially the case regarding the 'demilitarised zone' which runs along the internal border with Abkhazia and encompasses the Zugdidi region on the government-controlled side and Gali on the Abkhazian side. The demilitarised zone was established by the 'Moscow Accords' in May 1994.<sup>7</sup> Adherence to the 'Moscow Accords' in the demilitarised zone, including the ceasefire, is monitored by a CIS Peacekeeping Force (PKF), while the United Nations Observer Mission in Georgia (UNOMIG) is tasked with monitoring implementation of the 'Moscow Accords' and the activities of the CIS PKF.

Lastly, there are a multitude of actors directly involved in small arms control on Georgia's internationally recognised territory. These include:

- the Georgian Government
- the (unrecognised) Government of South Ossetia and Abkhazia
- the Joint Control Commission in South Ossetia

<sup>5</sup> <[http://europa.eu.int/comm/external\\_relations/georgia/csp/georgia\\_csp\\_6.pdf](http://europa.eu.int/comm/external_relations/georgia/csp/georgia_csp_6.pdf)>, accessed 30 March 2006.

<sup>6</sup> Semneby replaced Heikki Talvitie in February 2006. Talvitie had been appointed as the first EUSR to the region in July 2003, with the tasks of assisting the Council in developing a comprehensive policy to the South Caucasus, contributing to conflict prevention, and assisting the conflict resolution processes in the region.

<sup>7</sup> *Declaration on measures for a political settlement of the Georgian-Abkhaz conflict* (4 April 1994); *Quadrilateral agreement on voluntary return of refugees and displaced persons* (4 April 1994); *Agreement on a ceasefire and separation of forces* (14 April 1994).

- the Joint Peacekeeping Force in South Ossetia
- the OSCE Mission in Georgia
- the CIS PKF in Abkhazia
- UNOMIG
- the remaining Russian bases in Georgia (in Akhalkalaki and Batumi).

This broad range of actors, many of which have competing political and security priorities, presents serious challenges in terms of co-operation and co-ordination, even in policing matters of little political significance.

### **Impact of unresolved conflicts on politics and perceptions**

The unresolved conflicts in Abkhazia and South Ossetia loom heavily over all Georgian politics. Understandably, they are an emotional sore point for a proud nation, and the inability to find a lasting solution is a major cause of frustration and misery. They are perceived by a majority of Georgians as one of the prime causes of Georgia's poverty and weakness over the last 15 years, and one of the main obstacles to becoming richer and more stable in the near future. They have left hundreds of thousands of internally displaced persons dotted across the country, hoping some day to return to the homes they have left. They are a constant source of instability, as everyone is aware that these conflicts are anything but 'frozen', and could easily re-ignite; equally, everyone knows that further fighting could derail the reform process. They undermine relations with Russia, especially since many Georgians believe that South Ossetia and Abkhazia could not survive without Russia's economic, and even military support. To outsiders, they perpetuate an impression that Georgia is conflict-ridden and insecure, and thus an unsuitable place for investment or tourism. They are also a major stumbling point on the road towards NATO and/or the EU. And arguably, the constant need to engage on this issue takes up scarce government time and resources, which could otherwise be spent on economic and political reform.

With all this in mind, it is obvious that anything related to the conflicts can be a highly politicised and emotive issue, and small arms proliferation is no exception. This is hardly surprising, particularly since the fighting in these conflicts predominantly involved small arms. However, there will always be a temptation to consider the issue of small arms proliferation in Georgia merely as a subset of the wider problem of unresolved conflicts, and thus come to the conclusion that little can be done to improve small arms control until there is peace. This attitude fails to take account of the breadth and depth of measures that seek to improve small arms control, either collaboratively between the Georgian Government and the separatist authorities, or unilaterally. Collaborative action may take the form of confidence-building measures, such as efforts to prevent weapons entering into or remaining in the zone of conflict. Unilateral measures may have little direct relation to conflict dynamics, such as improving stockpile security or tightening legislation on civilian possession. Conversely, however, a danger also exists that measures are proposed which are presented as 'technical' or 'apolitical', but in fact carry potential dangers to the conflict dynamics in the region. It is therefore hoped that this survey will provoke greater thought about which small arms control measures are most appropriate in Georgia at the current time, and about the need for conflict analysis to be carried out before implementing any concrete small arms initiatives.

## **2.3 Capacity and reforms**

### **Institutional capacity**

The capacity of Georgian state ministries and agencies to fulfil their core functions and to formulate and implement policy remains very low by Western standards, though the Saakashvili Government appears to be making some progress in overhauling and

revamping the system. Many of the reasons for this institutional weakness have already been referred to above, but deserve to be briefly recalled here:

- On gaining independence, Georgia had to develop a complete set of institutions of state, either completely from scratch, or on the basis of local branches of Union-wide ministries, which were used to taking guidance from Moscow. This had to be done with few human, financial or technical resources.
- This process was greatly complicated by the fact that in close succession, Georgia faced two separatist conflicts, a civil war, *de facto* loss of control over Ajara, and a general process of political disintegration across the country.
- A corollary of this was economic collapse. Georgia's Gross Domestic Product (GDP) fell from US\$5.1 billion in 1990 to US\$2.1 billion in 1995; only in 2005 did GDP overtake 1990 levels. Despite strong growth over the last few years, over 50 percent of people were still living in poverty in 2004, according to International Monetary Fund (IMF) figures.<sup>8</sup>
- Poor economic conditions have meant low wages, inadequate facilities, and little training for government officials. This in turn bred endemic corruption in all areas of public life.
- During the Shevardnadze era, corruption and inertia took hold, meaning that reforms to improve institutional capacity were either not began in the first place, or were perverted to suit the needs of corrupt officials or to achieve short-term political goals.

This was the unpromising inheritance which the Saakashvili Government received on taking office. The new Government has acted boldly across the board. The first step has been to drastically cut staffing levels, in order that it can afford to pay those remaining an acceptable wage and thus remove pre-conditions for corruption. The second has been to design and then implement reforms in each sector which aim to bring these institutions closer to Western standards and best practice. The one possible downside of this reformist zeal has been an extremely rapid rotation of staff in key positions. While it has been successful in sweeping out ineffective officials and introducing a notion of merit to appointments, the pace of rotation has at times actually undermined reforms, because people are not in place for long enough to be familiar with the job and to manage the reform process. Overall, however, while it is still too early to say whether these reforms will be effective over the long term, there have been some encouraging early signs of improvement.

The problems listed above affect more or less all areas of the state apparatus. Unsurprisingly, therefore, they also have a major impact on small arms control issues, since the agencies that are primarily responsible for small arms control policy and implementation face the same institutional challenges as agencies in other fields. This should be borne in mind when considering the state's capacity to control small arms.

### **Security sector reform**

Even during the Shevardnadze period, Georgia had a strong pro-Western military orientation, and was also attempting to reform its military along Western lines (though this cannot really be said about other parts of the security sector, such as the MIA). This process has significantly accelerated since the Rose Revolution. The Saakashvili Government has made NATO and eventually EU membership Georgia's main long term policy goals, and this has translated into an extremely fast reform process – though given the low base from which the new government began, achieving Euro-Atlantic standards in the security sector remains a daunting task.

Reforms to the structure and management of the Armed Forces and the Ministry of Defence (MoD) were already taking place prior to 2003. Various Western military

<sup>8</sup> Georgia: *Second Review Under the Three-Year Arrangement Under the Poverty Reduction and Growth Facility and Requests for Waiver of Performance Criterion and Conversion of an Indicative Target into a Performance Criterion*, IMF Country Report No. 05/314, August 2005.

advisers provided advice and support to the Georgian Government, including ISAB (the International Security Advisory Board), a group of former senior military personnel with great experience of military reform, particularly in the Baltic States. On the training ground, the US provided the Georgia Train and Equip (GTEP) programme. Though this was primarily aimed at training Georgian troops in counter-insurgency and peace support operations, in order that they could take part in anti-terrorist and peacekeeping missions internationally, in effect this also prepared the first Georgian battalions who had been trained to Western standards.<sup>9</sup>

Under the new Government, the pace of reforms has accelerated. There has been a rapid increase in military spending, including imports of heavy weaponry. These steps have been criticised in some quarters, but the MoD argues that a large rise in spending is necessary to reform a largely ineffectual army and prepare the country for NATO membership. Georgia was the first country to agree an Individual Partnership Action Plan (IPAP) with NATO, a new mechanism for countries that wished to deepen co-operation with the Alliance, but were not yet deemed ready (or did not wish) for a Membership Action Plan (MAP). The IPAP, which was drafted jointly by NATO and the Georgian Government and was adopted on 29 October 2004, sets out an ambitious range of tasks for military and political reform. This includes arms control, under section 2.5.1, where Action 2 is to *'develop and implement a plan to safely store usable ammunition, and to dispose of excess and unsafe munitions, as well as small arms and light weapons'*. The Georgian Government aims to complete the IPAP as quickly as possible, in order to be ready for a MAP; it is hoped that a MAP could be completed in time for Georgia to join the Alliance at the next major NATO summit in 2008, though this time scale may be unrealistic.

Perhaps the most dramatic changes of all, however, have happened in policing. Previously, the MIA was notoriously corrupt, and public perceptions of the police were extremely negative, with many people seeing them as more of a threat than as a security provider. Immediately after taking office, Saakashvili announced that police reform would be a major priority for his government, with the aim of restoring confidence between the police and the community. A few months later, the entire Traffic Police – which did little to ensure security on the roads, and was largely engaged in stopping motorists for bribes – was disbanded overnight, and replaced with a new Patrol Police. This new police service, made up mostly of well-educated recruits who initially received only three weeks of training, was an instant hit with the public. Patrol policemen are relatively well paid and well resourced, driving around in distinctive, modern cars that are fitted with proper radio equipment; in return, corruption is off limits and they are expected to treat citizens with greater civility. The introduction of the Patrol Police is only one part of a much greater long-term plan to reform the entire police structure, including:

- The development and implementation of community based policing methods
- An overhaul of the police academy and training methods
- The instigation of a new criminal police
- The civilianisation of the Ministry
- The restructure of personnel management within the service.

This transformation is being supported by a major OSCE Police Assistance Programme and also by other donors, particularly the US. Further, a new Criminal Code adopted in May 2005 has led to a change in the way that statistics are recorded.

<sup>9</sup> When GTEP expired in 2004, a follow-up programme, known as Georgia Security and Stability Operations (SSOP) was agreed. This 18-month programme, which was began in January 2005, is designed to train two infantry battalions for military service in Iraq; two logistics battalions; and provide other staff training.



## Possession of firearms

**THIS SECTION MAPS OUT FIREARM OWNERSHIP IN GEORGIA** and the mechanisms that have been put in place by the Government to control it. Georgia has introduced strong legislation to regulate civilian firearm ownership, a fact which is welcome given the research team's estimate that as of March 2006 there were at least 409,000 weapons in civilian hands in Government-controlled Georgia.<sup>10</sup> This equates to 9.4 guns for every 100 people in Georgia.<sup>11</sup> While around 159,000 of these weapons are registered either to individual citizens or legal entities, there appear to be upwards of 250,000 illicit weapons in civilian hands.

Although the legislation governing civilian ownership is reasonably strong, it could be further strengthened in a number of areas: applicants do not have to undergo a firearms training course or to provide 'proof of threat' in order to receive a permit; there is still no clear definition as to what constitutes a 'civilian' weapon and can consequently be legally owned; and there are no legal provisions for the inspection of weapon licences or storage facilities. The law also provides no basis for regulating the work of private security companies and internal security divisions, making controls on the industry and its use of force extremely weak.

Fortunately, implementation of the law in this area, though traditionally weak, has improved significantly in the period 2004–2006 as a result of better recording procedures for firearm licences and reduced corruption within the licensing system. Nevertheless, limited administrative capacity, poor inter-agency co-operation and poor outreach programmes (especially for non-ethnic Georgians) continue to hamper adequate controls over the possession of firearms. For example, the poor recording practices of the past mean that it is impossible to establish precisely how many registered firearms there are in the country at the present time. Poor past recording of registered firearms also poses obvious control problems for legally held weapons: without reliable records of registered weapons, it is difficult to verify their ownership, inspect storage conditions or ensure they are re-registered when licences expire. Further, the phenomenon of illicit civilian firearms possession has also not been explored or dealt with systematically to date and no plan of action has been developed to counter this threat. There is little structured inter-agency co-operation on this issue, and it is questionable how effective *ad hoc* measures have been.

<sup>10</sup> The methodology for these estimates, their margin of error, and more detailed breakdown of the distribution of weapons is provided in the following sections.

<sup>11</sup> This is based on a population of 4,345,686 excluding South Ossetia and Abkhazia. Source: Ministry of Economic Development of Georgia Department for Statistics, 2004. It should be noted that this population estimate is also open to question. Georgia's current population may be lower than four million as a result of emigration.

### 3.1 Legislation and regulation

The principal laws governing civilian arms possession in Georgia are:

- The 'Law on Arms' (8 May 2003), which governs civilian possession by both individuals and legal entities
- The 'Law on Enterprise Activity Licensing & Basis of Permission Issues' (14 February 2002), under which the private security industry currently operates
- The Criminal Code, which specifies penalties for violating domestic small arms legislation.<sup>12</sup>

#### Licensing of weapons

The 'Law on Arms' provides for a two-tier licensing system, whereby every person wishing to legally own a weapon must first apply for and receive an authorisation to acquire a weapon and then, upon purchasing a weapon, apply for a three-year permit to own it. The Law also provides for a centralised State Weapons Register, which details the types of all military weapons (classified) and civilian weapons (unclassified) that are in circulation in Georgia.

Responsibility for issuing permits to individual citizens and legal entities is divided between the MIA's Permissions Department, which is located in Tbilisi and deals with rifled and 'self-defence' weapons such as pistols, shotguns and gas weapons, and the Patrol Police (located across the country), which handles smooth-bored hunting weapons (excluding shotguns).

According to the 'Law on Arms', authorisations to purchase firearms cannot be issued to individuals who: are under the age of 18; are mentally disabled or have a physical disability that makes them unfit to own a firearm; systematically break public order; have been convicted under articles 114 and 116 of the Georgian Criminal Code;<sup>13</sup> or, those subject to legal proceedings or under MIA surveillance. Applicants for an authorisation permit are required to undergo a medical examination and obtain a health certificate from the Ministry of Health (MoH) establishing that they are 'psychologically healthy'. The Permissions Department and the Patrol Police are then responsible for checking that the applicant has received a medical certificate and does not have a criminal record.

Once the applicant is issued an authorisation permit, he/she has three months from the date of receipt to purchase a firearm. The shop from which the firearm is purchased should provide a document on headed paper containing the weapon's serial number. Using this document, the firearm must then be registered with the relevant government agency within ten days of purchase. The application must also be accompanied by a customs declaration with details of when the firearm was imported.<sup>14</sup> Smooth-bored firearms can be registered locally, while rifled weapons must be registered with the central Permissions Department in Tbilisi. The fee for registration and issuance of permits is GEL 16 (approximately US\$8.7).

Despite the restrictions listed above, the application criteria for 'self-defence' weapons such as pistols and revolvers are relatively liberal in comparison to many European countries. Firstly, applicants do not need to provide evidence of a threat to their person or property in order to receive a licence. Secondly, applicants are not obliged to undergo firearms training, meaning there is no way of ensuring that the applicant knows how to use a weapon responsibly.

In addition, former employees of state security agencies (such as the MIA) that attain the rank of major can own and carry weapons after retirement. While this is the case,

<sup>12</sup> 2005 report to the UN Department for Disarmament Affairs (DDA) regarding implementation of the UN Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

<sup>13</sup> Article 114 refers to public officials who kill a suspect; article 116 refers to manslaughter.

<sup>14</sup> Each firearm that is notified on a customs declaration has to undergo ballistic testing by the MIA's Forensic Department before it can be sold to individual citizens. The whole process takes up to 20 days.

many do not know how to properly maintain or use firearms.<sup>15</sup> It is also unclear how many such persons presently possess and carry firearms as a result of this law.

### **Recording and monitoring**

According to the present Head of the MIA's Permissions Department, before 2004 little attempt was made to properly record civilian firearms licences. It is alleged that under the previous administration, the Permissions Department existed more to collect revenue from the licensing system than to exercise any control.<sup>16</sup> As a result, no comprehensive statistics are currently available on the number of legally owned firearms in Georgia. The Department is now in the process of establishing an inventory of licences, but estimates that it will take at least three to five years to implement an effective recording and monitoring system. This is compounded by poor information exchange between the central Permissions Department and the regional Patrol Police on the number of hunting weapons that have been licensed regionally.

### **Re-registration**

Firearms owners are required to re-register their weapons every three years, but there is no effective system for ensuring that they do, or for punishing those that do not. As neither the Permission Department nor the Patrol Police maintain full registers of legally owned weapons, it is unclear how they can identify all cases in which licences have expired. The only viable way to enforce re-licensing is for the Patrol Police to conduct spot checks of individual firearm owner's licences.

The situation is made even harder by the lack of an effective deterrent for non-registration. At the beginning of 2006, the fine for late re-registration stood at just GEL 1.5 (US\$0.8). Recognising that this figure is insufficient, the Permissions Department plans to introduce changes to the Administrative Code which would allow it to issue fines of GEL 50 (US\$27.4) to those that do not re-register their firearms promptly when the three-year time limit expires. The fine would then rise further with continued non-registration, until eventually the firearm owner would be liable for prosecution and the loss of his/her weapon. Reminder letters would be sent to firearm owners whose licences are due to expire to re-register their weapons.

Despite all these problems, the Permissions Department still estimates that approximately 80–90 percent of firearm owners renew their firearm licences on time.

### **Carriage of weapons**

The majority of firearm licences issued for short and long-barrelled rifled weapons are for household protection only and do not permit the owner to carry their firearm outside of the home. Weapons should, therefore, be stored at home in a 'safe place' along with their registration documents. Certain categories of people deemed to be at high risk are exempt from this rule and can carry such weapons providing they have the appropriate licence. Government officials, judges, prosecutors, active servicemen, policemen and members of parliament all fall into this category.<sup>17</sup>

Restrictions on carriage do not extend to gas, sport and smooth-bored hunting firearms (except shotguns).<sup>18</sup> Carriage of shotguns was banned in early 2005, though ownership and home storage is still allowed.<sup>19</sup>

Many countries are now reviewing legislation allowing the carriage of gas weapons because they are practically indistinguishable from 'real' weapons, and are of equal use

<sup>15</sup> Interview, Zaza Khachidze.

<sup>16</sup> Ibid.

<sup>17</sup> Interview, Shota Utiashvili.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

for threatening criminal intent. Also, they are often easy to convert into weapons that can fire live ammunition. In Georgia, the majority of legally owned gas weapons are relatively cheap Turkish-made models.<sup>20</sup> The protection mechanism intended to inhibit the discharge of conventional ammunitions can easily be broken off, and they can then fire several rounds before breaking. Gas pistols were consequently raised as a concern by the Regional Police Chief in Kutaisi, who indicated that they were easily available and represent a significant threat to the public.<sup>21</sup>

### **Categorisation of weapons**

The Law on Arms provides for a State Weapons Register that would classify the types of firearm authorised for ownership by individuals and legal entities ('civil' weapons, as opposed to 'military' and 'service weapons'). This list has not yet been established, however, meaning there is no clear basis for stating which types of firearms can or cannot be owned legally. It has also been indicated that the State Weapons Register cannot be created without interagency consensus on how weapons should be categorised.<sup>22</sup> This in itself would require the creation of an inter-agency body.

In the absence of a more detailed register, the MIA has made individual decisions on certain types of weapons it does not regard suitable for civilian possession. For example, the characteristics of a *Stechkin* assault pistol are such that it could plausibly be classified either as a civilian or a service weapon. Considering the potential threat they represent, in 2005 the MIA decided to stop issuing licences for 9mm *Stechkin* automatic pistols. It is not clear, however, how many civilian licences for such weapons had been issued in the preceding years, or whether these weapons have since been collected. Another problem caused by the lack of a Register is that it is sometimes unclear whether a specific type of 'civil' weapon should be registered with the central Permissions department in Tbilisi or by the Patrol Police anywhere in the country.

### **Verification and inspection**

According to the 'Law on Arms', weapons should be kept at home in a 'safe place' with their registration documents. However, the Police do not have the right to enter firearm owners' houses in order to check storage conditions or the owner's licence. They can do so only if there are strong grounds for suspicion that storage conditions are inadequate. Even in such cases, permission to check storage conditions is first required from a prosecutor or judge. The Permissions Department also lacks the authority to inspect the inventories of gun shops and is consequently unaware how many weapons each shop holds and cannot easily monitor whether the amount of weapons sold by a shop tallies accurately with the amount it is acquiring.

### **Outreach to civilians**

It appears that knowledge amongst the general population of the licensing and registration process is low. For example, 43 percent of household survey respondents were not familiar with the procedure for registering and licensing firearms, and focus group participants thought that the 'vast majority' of the population was unaware of it. Knowledge of the licensing system was considerably lower amongst non-ethnic Georgian communities; 61 percent of non-ethnic Georgians were unfamiliar with the licensing system, compared to 41 percent of ethnic Georgians. Focus group discussions showed that ethnic Azeris are unfamiliar with domestic arms control legislation. Ethnic Azeri participants in these discussions attributed this to the fact that the relevant legislation has not been translated into Azeri.

<sup>20</sup> Ibid.

<sup>21</sup> Interview, Irakli Chimakadze.

<sup>22</sup> Interview, Shota Utiaishvili.

### Controls over the private security industry

There are no specific laws governing the operations of private security companies or private detective agencies in Georgia, nor do private security companies require a special licence or permit in order to provide private security services. Rather, private security companies are regulated like all other economic enterprises by the 'Law on Enterprise Activity Licensing & Basis of Permission Issues'. It is consequently often difficult to know whether an organisation provides private security services or not. In addition, no information was available on the number of companies, such as banks, that maintain armed in house security in the form of 'internal security divisions'.

The use of firearms by private security guards is regulated by the 'Law on Arms' in the same way as for all other citizens. This means that private security companies cannot possess weapons directly. Instead, such companies obtain permissions for named employees to apply for a licence to own firearms. It is not clear, however, to whom the private security companies apply for this permission, due to a lack of access to information on the MIA's internal regulations regarding the private security industry. Named employees then apply for an individual licence to own a firearm.<sup>23</sup> The requirements necessary for private security guards to obtain firearms are identical to those for other citizens. While ordinary citizens can carry gas, sports and smooth-bored hunting firearms, private security guards are only permitted to carry gas weapons. The only exceptions are the internal security divisions of banks (including vehicles transporting cash) and airports. These groups can issue 'service' firearms to their employees (with the exception of automatic machine-guns). Each bank/airport must register all firearms used by its staff and provide a list to the MIA of all employees permitted to carry weapons. These weapons must be kept on the bank/airport's premises at all times.

The absence of specific legislation regulating the provision of private security services and establishing a specific licensing system has severely undermined control of this sector in a number of ways. Firstly, it is not possible to know exactly how many private security companies are presently operating in Georgia. Secondly, no standard system presently exists to vet those who apply to work as guards. While some private security companies claim to check whether potential employees have criminal records, it is not clear whether this is always the case. One informed interviewee thought that a large proportion of private security guards might have criminal records.<sup>24</sup> Nor are private security guards required to undergo any specific training, including in the use of firearms. One interviewee admitted that while there is not a shortage of potential employees the professionalism of many applicants is not very high.

Thirdly, there is no formalised relationship between private security companies and government security agencies such as the Patrol Police. This means that the level of co-operation and interaction between the private security industry and state security agencies varies enormously from company to company. Co-operation may just entail calling the Patrol Police in the event of an incident (eg a burglary), with private security guards and the Patrol Police then entering the building jointly. However, some private security companies seem to have a closer relationship with the authorities. For example, some managers are regularly invited to information-sharing meetings with the MIA.<sup>25</sup> One private security company stated that it provides information to the Antiterrorist Centre on a monthly basis.<sup>26</sup> This does not appear to be the norm, however.

Lastly, without adequate safeguards in place, the potential exists for inappropriate links to develop between private security companies, government officials and parliamentarians. Most private security guards were formerly employed in the state

<sup>23</sup> Interview, Mamuka Kikaleishvili.

<sup>24</sup> Anonymous interviewee A, public security official.

<sup>25</sup> Interview, Private Security Company 'Guarantor of Security of People and Property'.

<sup>26</sup> Interview, Private Security Company 'Daraka'.

security sector, including high-ranking servicemen, policemen, special troops, members of Shevardnadze's private guard service, and those who fought in the Abkhaz war. Only one of the managers interviewed for this study had not previously worked in the state security sector. While a close affiliation between public and private security sectors is not in itself negative, it might be the case that these associations have prevented the introduction of legislation on the protection of private property.<sup>27</sup> In addition, according to one study in 2003, some private security companies would pay the MIA's Property Protection Department to obtain police officer status for their employees, thereby gaining the right to carry firearms. It was claimed that the MIA would *'then show little interest in what its newly registered officers get up to'*.<sup>28</sup>

Various attempts have been made since 2001 to introduce a law governing the private security industry, but so far they have proved unsuccessful. A number of interviewees have suggested in private that this legislation has been blocked due to close associations between private security companies, the justice and security ministries, and parliamentarians who fear it could damage their interests.<sup>29</sup> No substantial evidence has been provided to support any of these claims. Elements of the private security industry are, however, interested in regulation and one company has developed a draft law, which provides for licensing and background checks of personnel.<sup>30</sup>

Despite the lack of legislation, an MIA representative claimed that governance of the private security industry has improved since the Rose Revolution in 2003 because of the introduction of strict internal MIA instructions.<sup>31</sup> However, the research team was not given access to these internal instructions, and it is thus difficult to judge what impact they have had on improving regulation of the private security industry.

## 3.2 Legal civilian firearms

It is impossible to give a precise figure for the amount of weapons held legally by civilians. This is primarily because – as Georgian officials themselves acknowledge – previous inadequacies in the record-keeping system mean that government statistics are not yet fully reliable. In such circumstances, the only option is to draw on all available sources and make an approximate calculation. On this basis, the research team estimates that there are over 159,000 legally registered firearms in Georgia. This is based on the following logic:

**Table 1: Estimate of legally registered weapons**

Types of weapon	Registration body	Estimate
Pistols, shotguns, gas weapons	MIA Permissions Department	60,000 <sup>a</sup>
Smooth-bored hunting weapons	Patrol Police	99,000 <sup>b</sup>
<b>Total</b>		<b>159,000</b>

<sup>a</sup>MIA Permissions Department Estimate.

<sup>b</sup>Extrapolation of data from Ajara (9,000) across all nine regions

The figures presented draw together information from two different sources, reflecting the two different agencies responsible for licensing weapons in Georgia. The MIA's Information and Analysis Department told the research team that although it does not have accurate figures, it is believed that approximately 60,000 pistols, shotguns and gas weapons have been licensed by the Permission Departments, with 600–900 new firearm licences being issued every month.<sup>32</sup>

<sup>27</sup> Anonymous interviewee A, public security official.

<sup>28</sup> Darchiashvili D, 'Georgia: A hostage to Arms' in *The Caucasus: Armed and Divided*, eds A Matveeva and D Hiscock, (Saferworld, 2003).

<sup>29</sup> Anonymous interviewee A, public security official.

<sup>30</sup> Interview, Private Security Company 'Alligator'.

<sup>31</sup> Interview, Shota Utiashvili.

<sup>32</sup> Ibid.

Getting information on the number of hunting weapons registered by the Patrol Police proved more of a challenge, as statistics on the number of weapons licensed in each region are not centrally collated and the research team was not able to source information from the regional offices. As a result, it has been possible only to make a very broad estimate of the number of registered smooth-bored hunting weapons by extrapolating from information from one region. According to the Patrol Police in Batumi, there are about 9,000 registered smooth-bored hunting rifles in Ajara.<sup>33</sup> Multiplying this figure by the 11 regions of Georgia under central control produces a figure of 99,000 weapons. It is recognised, however, that such calculations fail to take account of the significant cultural and demographic variations between Georgia's regions, and as such, this figure is meant only as a broad estimate rather than as a definitive figure. Indeed the overall figure for firearms registered in the regions could be much higher. For example, the majority of household survey respondents who stated that they owned a weapon said that they owned a hunting rifle (78 percent), while only 20 percent stated that they owned a pistol or revolver. If this is correct, and the weapons referred to are legally owned, then as many as 267,000 hunting style weapons could be registered in the regions.

If these two estimates are correct, this would indicate that upwards of 159,000 legally held firearms are in Georgia<sup>34</sup> and thus that there are approximately 3.7 registered weapons per 100 people. This means that per capita legal weapon ownership in Georgia is well below the EU15 average of 11 per 100 people.<sup>35</sup>

### Types of registered firearms

Due to the aforementioned weaknesses in the recording system prior to 2004, the MIA is not able to provide a breakdown of firearms ownership by type. Nonetheless, it is possible to develop a general picture of the types of firearms legally owned by comparing the number of firearms registered by the Permission Department (rifled long-bore weapons, pistols, gas weapons and shotguns) and those registered by the Patrol Police (hunting weapons excluding shotguns), through interviews with gun shop owners and the results from the household survey.

If the above estimates are accurate, then approximately 62 percent of legally owned weapons are hunting style weapons, since they are registered by the Patrol Police. The ratio of hunting weapons to non-hunting weapons could, however, be much higher. For example, as noted above, 78 percent of household survey respondents who claimed to have a gun stated that they had a hunting weapon. In addition, gun shop owners confirm that although they sell a broad range of weapons, the majority of their trade is comprised of hunting weapons, and some shops only sell such weapons.<sup>36</sup> Further, when asked what three types of firearm ordinary citizens most commonly have, respondents thought that the most widely owned weapons were hunting rifles, followed by pistols and revolvers:<sup>37</sup>

<sup>33</sup> Interview, Johnny Bakuradze.

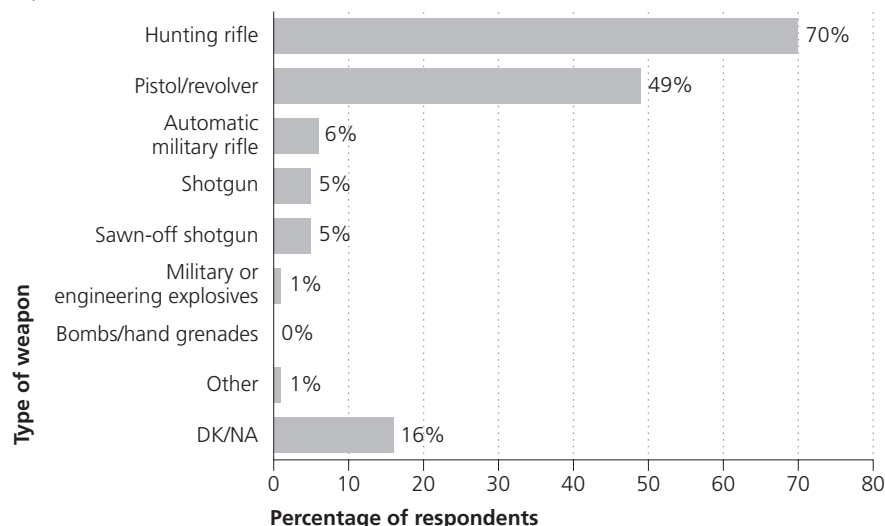
<sup>34</sup> The estimate of 159,000 plus firearms in legal possession is broadly supported by the findings of the household survey. Responses to the questions 'Do you have a weapon at home now' and 'If yes how many' indicate a total of 104,000 weapons in civilian ownership in government controlled Georgia. As experience from previous research in other countries demonstrates that the public tend to underreport on questions of firearm ownership, an estimate of 159,000 firearms in legal possession does not seem unreasonable. It should be noted that it is unknown what proportion of these weapons are held illegally, although it is unlikely that respondents would openly declare illegally held firearms.

<sup>35</sup> Source: *Small Arms Survey 2003*. Since this average figure hides major differences in levels of weapon ownership between EU states, this figure is meant only to indicate the relative prevalence of weapons in Georgian society in comparison to other European nations.

<sup>36</sup> Gun shop interviews (see Annex 1).

<sup>37</sup> It should be noted that no distinction was made in this question between legal and illegal firearms.

**Figure 1: If any, what type of arms do ordinary citizens most commonly have?**  
(Up to three answers; Base No. = 1,300)

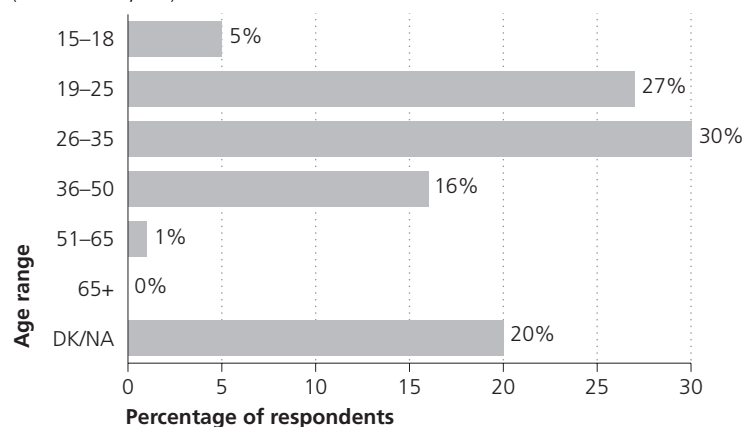


The one exception to this trend is Tbilisi, where there are probably more self-defence weapons, such as pistols and revolvers, than hunting weapons. Indeed, when asked what types of weapons ordinary citizens most commonly own, more household survey respondents in Tbilisi answered pistols and revolvers (58 percent) than hunting rifles (48 percent). The most popular self-defence firearm in Georgia appears to be the *Makarov* pistol, which can be bought legally for around GEL 550 (approximately US\$300).<sup>38</sup> Previously, when shotguns could be legally carried, they were popular weapons and accounted for a large proportion of weapons sold in gun shops. Following a ban on their carriage, however, shotgun sales have fallen.<sup>39</sup>

### Demographic distribution of legal weapons

The MIA is not currently able to provide a demographic breakdown of firearm ownership in Georgia. However, an impression of demographic distribution can be gained from interviews and the household survey. Gun shop owners state that their clients are mainly male, with female clients buying only self-defence pistols.<sup>40</sup> Although they serve clients of all ages and social groups, the majority of customers are thought to be middle class and in the 30–60 year old age bracket. This age range contrasts with information provided by survey respondents, according to which 26–35 year olds are the group most likely to have firearms, followed by 19–25 year olds:

**Figure 2: People from which age group are most likely to have firearms?**  
(Base No. = 1,300)



<sup>38</sup> Interview, Shota Utiazhvili.

<sup>39</sup> Gun shop interviews (see Annex 1).

<sup>40</sup> Ibid.



This discrepancy may be attributable to the different ways in which these questions were posed. While gun shop owners were asked exclusively about weapons they had legally sold, household survey respondents were not asked to discern between legal and illegal firearm ownership. This might indicate that while 30–60 year olds are more likely to purchase firearms legally, 19–30 year olds are more likely to acquire firearms from other sources, either through inheritance or by illegal means. Significantly, in Tbilisi, Shida Kartli and Samtskhe-Javakheti, the 19–25 age group was considered most likely to own firearms by household survey respondents (Tbilisi and Shida Kartli suffer from high levels of illegal firearm possession and gun crime) while focus group participants in Samtskhe-Javakheti commented that gun crime is becoming increasingly prevalent among young people due to a lack of employment opportunities (see section 4.3 for more information on gun crime).

Discounting criminals, the Army and the Police (for whom weapons possession is taken for granted), survey respondents thought that the largest amounts of firearms in Georgia are held by private security companies, politicians and businessmen, in that order. Although respondents overwhelmingly thought that the most common types of firearm in Georgia are hunting weapons, only one percent of respondents thought that hunters were the group with the most number of firearms. This discrepancy may be due to the fact that groups other than hunters (eg criminals) also own hunting style weapons. Equally it could be because hunters are not seen as a coherent group in the same way that private security guards, politicians or businessmen might be.

### **Firearms and the private security industry**

Since no specific licences are given to private security companies and private detective agencies identifying them as such, no statistics are available for the number of such companies operating in Georgia or the number of firearms they hold. As a result, the research team was unable to make an estimate of the number of firearms that are used by private security companies and their employees. In addition, although current regulations only allow private security guards to carry gas weapons, it is unclear whether individual employees use weapons licensed to them personally in the provision of static security.

A limited idea of the extent of the private security industry and its use of firearms was gained from interviews with representatives from the private security industry (see Annex 1). The majority of private security companies interviewed stated that their employees do not have firearms, and none were aware of the number of companies that do use them. However, some interviewees suggested that companies with close affiliations with the justice and security ministries or political parties might keep and use firearms.<sup>41</sup> In place of firearms, employees are generally armed with electric-shock equipment, handcuffs and rubber clubs. One private security company mentioned that it also keeps smooth-bored guns, gas pistols and shotguns on the sites it is guarding, but these weapons are not carried, simply kept on site and handed from shift to shift.<sup>42</sup>

<sup>41</sup> Anonymous interviewee A, public security official.

<sup>42</sup> Interview, Private Security Company 'Guarantor of Security of People and Property'.

## Box 2: The private security industry in Georgia

Private security companies are thought to have first started operating in Georgia in 1985. The number of companies operating in Georgia increased in the mid-1990s, following the disbandment of the *Mkhedrioni* and the subordination of the National Guard to the MoD. The size of the private security market has grown rapidly since 2002–2003, with a great number of new companies being established. One observer estimated that tens of thousands of Georgians are presently employed in the private security industry. However, a more likely figure is around 10,000 employees. Interviewees from within the industry estimate that there are between 250 and 300 security providers in Georgia. Of these, three to six companies are thought to dominate the market, some of which employ between 500 and 1,000 staff. The remaining companies are considered to be uncompetitive and can have as few as seven to ten members of staff. For example, the smallest company interviewed had 25 employees, while the largest had 750.

Representatives from the industry believe that the market is now extremely ‘chaotic’ and has been affected by the rise in competition, since in the absence of specific licensing requirements ‘anyone can set up a private security company’ (Interview, ‘Guarantor of Security of People and Property’; ‘Voltra’). Another interviewee suggested that ‘almost all’ former security employees who find themselves unemployed establish private security companies (Interview, ‘Aligator’). Most newly formed companies do not operate for long, however, as they lack both technical and material resources and an established client base. There are some indications that the number of companies operating might be reducing due to pressure from the Government and market realities. In general, those interviewed thought that Georgia’s private security industry is in need of consolidation and that between ten and fifteen companies would be sufficient to meet current demand.

### 3.3 Illegal civilian firearms

The Georgian Government does not have an official estimate of illicit firearms holdings, and it is hoped that this study will provide valuable indicators to the Government on levels of illegal possession. There is little doubt, however, that illegal firearms possession is an issue in Georgia. Several factors point in this direction. Firstly, both government officials and the general public expressed a perception that illegal weapons are widespread. The Head of the MIA’s Information and Analysis Department made a personal estimate that approximately ten percent of households might have illegal firearms, many of which may own more than one weapon.<sup>43</sup> In addition, 33 percent of household survey respondents thought that most firearms in Georgia are unlicensed.<sup>44</sup> Secondly, the high incidence of arrests for the illegal possession or carrying of firearms also suggests that unregistered weapons are widely distributed in Georgian society. For example, there are approximately three to five arrests for the illegal possession or carriage of firearms a week, the majority of which occur in Tbilisi.<sup>45</sup> Thirdly, it is often pointed out that a large number of illicit firearms entered civilian possession as a result of the two separatist conflicts and civil war in the early 1990s, but have not since been accounted for. No substantial collection campaigns have since been conducted – those that were undertaken in the mid-1990s were targeted at undermining politically powerful paramilitary groups rather than disarming the general population.<sup>46</sup> The expectation is that many of these weapons remain in illegal possession, in a ‘dormant’ state.

<sup>43</sup> Interview, Shota Utiashvili.

<sup>44</sup> Although 44 percent thought that, on the contrary, few or no firearms are unlicensed.

<sup>45</sup> Interview, Shota Utiashvili. For example, during 2005, there were 1,242 cases of illegal firearms incidents. It should be noted that a proportion of these cases involve firearms that are registered but illegally carried. Such firearm cannot be considered ‘illegal’. See section 3.5 for more analysis.

<sup>46</sup> Demetriou S, *Politics from the Barrel of a Gun: Small Arms Proliferation and Conflict in the Republic of Georgia, 1989–2001* (Small Arms Survey, 2002).

The research team used different questions from the household survey in order to calculate the amount of illegal weapons in circulation. These calculations were compared with estimates given by informed interviewees. This method has its weaknesses, and the estimates produced as a result should be used with caution. Nonetheless, the research team believes upwards of 250,000 illegal weapons are in circulation in contemporary Georgia, excluding Abkhazia and South Ossetia, since the information that this estimate is based on – household survey respondents claiming to know of at least one friend or family's household owning at least one working firearm – is generally credible. Alternatively, a second minimum estimate of 89,000 illegal weapons, which is based upon the number of firearms previously in civilian possession that have not been collected or seized (this information is again taken from the household survey), is also presented. The different methods for estimating illegal firearm ownership, their relative strengths and weaknesses and the resultant estimates are outlined in **Table 2** and are explored in detail below.

**Table 2: Estimates for illicit weapons holdings**

Method	Key problems	Estimate
<b>1. Key informant estimate</b>	Not based on statistical data	147,000
<b>2. Estimates from survey</b>		
1a. 'Have you ever had a weapon at home?'	Direct questioning – likely under-reporting by respondents	89,000
1b. 'In your opinion, what percentages of your friends and family's households have at least one working firearm?'	Calculation based on each positive respondent having only one firearm-owning family/friend – likely underestimate	250,000

### Method 1: Key informant estimate

As noted above, the Head of the MIA's Information and Analysis Department made a personal estimate (ie not based on statistical or operational information) that approximately ten percent of households could have illegal firearms, many of which may have more than one weapon. If this figure of ten percent were to be accurate, this would correspond to a figure of at least 147,000 illegal firearms in civilian possession.<sup>47</sup> It is recognised, however, that this was meant only as estimation, and although it is from a well-informed individual, it has no pretensions to be an accurate figure. A range of other government officials (eg police officers, border officials and MoD officials) and experts from civil society were also asked to provide an estimate of illicit weapon holdings. Most interviewees did not feel themselves informed enough to provide an estimate, while those that did provided a very broad range of estimates.

### Method 1: Household survey estimates

Responses to the household survey conducted by the Georgian market research company 'GORBI' in late 2005 provide two estimates for the number of illegal civilian weapons in Georgian households. The household survey was conducted on territory controlled by the Georgian Government and does not take into account Abkhazia and South Ossetia. Since a random sampling technique was used, the survey's findings can be generalised to households across Georgia (excluding Abkhazia and South Ossetia). It should also be noted that this method provides initial estimates of the total number of civilian-held weapons in Georgia, requiring a further calculation, in which the research team's estimate of the total number of registered weapons (itself an uncertain figure) is subtracted from the overall total to provide an estimate of illegal weapon holdings.

<sup>47</sup> In 2004, there were 1,243,158 households in Georgia, excluding the separatist areas of Abkhazia and South Ossetia. Source: Ministry of Economic Development of Georgia Department for Statistics, 2004. Ten percent of all households equals is 124,316. Using a multiplier of 1.182, to take account for the fact that some households will own more than one firearm, this provides a total of 147,000 weapons (146,941 exactly). See below for method for calculating multiplier.

An estimate of levels of household firearm possession can be calculated from positive responses to the question ‘Have you ever had a weapon at home’, which indicate that a total of 210,094 households (16.9 percent of all households) in government-controlled Georgia have had at least one weapon previously and that this weapon has not been removed from circulation.<sup>48</sup> A multiplier of 1.182 can also be calculated from the question ‘In your opinion, how many guns are there in a typical Georgian household’;<sup>49</sup> indicates that there are presently some 89,000 illegal firearms in the country. However, the accuracy of responses to this question is limited by the tendency of respondents to under-report when asked directly about firearm ownership in their households:

**Table 3: Household survey estimate 1 – ‘Have you ever had a weapon at home’**

Number households with weapons	210,094
Multiplier	x 1.182
Total number of weapons	248,331
Legally owned weapons	–159,000
<b>= Total illegal weapons</b>	<b>89,000 (89,331)</b>

A second estimate for illegal firearm possession can be calculated from responses to the question ‘In your opinion, what percentages of your friends and family’s households have at least one working firearm? A total of 28 percent of respondents to this question stated that at least one of their friends and family’s households have a firearm.<sup>50</sup> Responses to this question indicate that there are at least 250,000 firearms in illegal possession in government controlled Georgia. While this estimate is more likely to be accurate than the previous one, it may underestimate total civilian weapon holdings as respondents who answered the question positively indicated that more than one of their friends and family’s households have a weapon. However, it is not feasible to attempt a calculation of the total number of such firearm-owning households, as a) the respondents answered with a range (eg 1–5 percent), and b) it is not known how many friends and family households each respondent has.

**Table 4: Household survey estimate 2 – ‘In your opinion, what percentages of your friends and family’s households have at least one working firearm?’**

Number households with weapons	348,084
Multiplier	x 1.182
Total number of weapons	411,435
Legally owned weapons	–159,000
<b>= Total illegal weapons</b>	<b>252,000 (252,435)</b>

### 3.4 Sources for illegal firearms

Interviewees and the focus group discussions identified a range of different sources from which firearms have been obtained illegally in the past, and which could represent contemporary sources of illegal firearms. It was alleged that the principal sources have been: Russian military bases located both in Georgia and elsewhere in the Caucasus; the various conflicts in the 1990s; thefts from national stocks and individual civilian owners; and trafficking into Georgia from other countries. While all these factors have played significant role in past small arms proliferation, they do not seem

<sup>48</sup> Respondents who replied positively to this question were then asked ‘What happened to that weapon?’ – It was given to a friend or family member, 27,349 (2.2% of all households); It was stolen, 24,863 (2%); It was sold, 44,754 (3.6%); Still have it, 87,021 (7%); Other/NA/DK, 26,106 (2.1%); Total = 210,094 (16.9%).

<sup>49</sup> While the majority of survey respondents stated that they did not know, a mean figure of 1.182 for weapons possession per household can be generated from the responses of those that gave an answer. This calculation is used as the minimum multiplier to apply to estimated numbers of weapons-owning households to project the total of weapons possessed by them. From a base of 1,300 the responses were: ‘don’t know’ – 578 (44.5% of respondents); no answer – 30 (2.3%); ‘1’ – 543 (41.8%); ‘2’ – 64 (4.9%); ‘3’ – 16 (1.2%); ‘4’ – 3 (0.2%); ‘5’ – 1 (0.1%); ‘0’ – 66 (5.1%). The sum of positive responses was divided by the number of positive respondents to provide the multiplier of 1.182.

<sup>50</sup> 21% of respondents stated that 1–5% of their friends/family had one working firearm; 3% stated that 6–10% had one working firearm; 2% stated 11–20%; 1% stated 21–40%, and; 1% stated 61–80%.

to be the source of large quantities of illegal firearms at present. Indeed, results from the household survey demonstrate that gun shops are the most frequent way of acquiring a firearm. For example, 69 percent of respondents to the household survey stated that they would turn to a gun shop if they ever wanted a firearm.<sup>51</sup> It is probably the case that few new illegal weapons are entering society, due in part to reduced demand, and that the present market for illegal weapons is based upon the circulation of old weapons.

### Russian bases

Russian bases and peacekeeping battalions – particularly those in Anaklia and Akhaltsikhe in Georgia but also those in other parts of the North and South Caucasus – were consistently identified by both Georgian officials and focus group participants as a major source of illicit firearms. This related primarily to the early 1990s, when weapons seemed to be easy to acquire from the bases of the Transcaucasian Military District as a result of individual or orchestrated corruption amongst the Russian military. One interviewee claimed that in 1992–93 it was possible to obtain a Russian firearm for two bottles of vodka.<sup>52</sup> A number of participants also thought that Russian forces had intentionally distributed weapons from these bases:

*I knew people who received weapons in the 1990s. There was one man who lived in Zugdidi, he bought and transported weapons that had been provided by the Russians. He would go to the Russian battalion, which was located in Anaklia, and take guns.*

Focus Group G, Zugdidi, civil servant, female

Some interviewees and focus group participants believed that it is still relatively simple to obtain weapons from Russian troops based in Georgia and also expressed the fear that the withdrawal of the remaining Russian military bases from Georgia provides an additional opportunity for firearms to be illegally distributed amongst the population. While previous studies have indicated that Russian bases were a significant source of illicit firearms in the 1990s,<sup>53</sup> the research team is not aware of any national or independent investigations that would substantiate accusations of contemporary leaks or thefts from Russian bases.

### Conflicts during the 1990s

Key informant interviewees and focus group participants agreed that, with the large availability of small arms during the civil confrontations in Abkhazia, South Ossetia and Mingrelia at the beginning of the 1990s, a large number of weapons were distributed amongst the general public. This included distribution to ‘illegal battalions’ comprised mainly of young people and semi-autonomous paramilitary groups such as the *Mkhedrioni* (Horsemen) and the *Erovnuli Gvardia* (National Guard), which were powerful during this period. It is thought that many of these volunteers kept their weapons rather than surrender them to officials during the weapons collection campaign in 1995–1996. It is also thought that many weapons left over from the conflict period have been buried ‘just in case’.<sup>54</sup> Indeed, several key informant interviewees thought that perhaps the majority of unregistered firearms in illicit possession were obtained during these conflicts:<sup>55</sup>

*In the 90s, people could just walk around carrying weapons. It was a time when many people were able to buy weapons with no questions asked. Of course, this wasn’t the official situation, but who was going to question it or ask why they needed weapons?*

Focus Group M, Marneuli, unemployed, male, 25

51 Only one percent stated that they would acquire a firearm from a friend, while three percent stated that they would turn to an arms dealer

52 Interview, Kakha Katsitadze.

53 Op. Cit. Demetriou S.

54 Interview, Koba Liklikadze.

55 Interview, Kakha Katsitadze.

### Looting and thefts

The MIA maintains a list of firearms that have been stolen from civilians and from the state. This list was not provided to the research team. Nevertheless, available information demonstrates that a significant number of firearms have been looted or stolen from both state stockpiles and civilian owners. A previous estimate in 2003, based upon official figures for stolen weapons and weapons missing from government stocks, found that there were at least 40,000 such weapons in circulation in Georgia.<sup>56</sup> All interviewees agreed that the majority of thefts from stockpiles probably occurred in the early 1990s during the transition from Soviet security structures to the creation of a new domestic security architecture. While MoD representatives interviewed for this study were not able to provide details of weapons stolen during this period, according to the Head of the MoD's Law Department, in the last ten years there have been approximately seven thefts from military barracks (a few dozen guns and less than ten grenade launchers).<sup>57</sup> While stockpile security is improving, it is hard to judge whether thefts from stockpiles still represent a concern for the Georgian Government, since the research team did not have enough information regarding present stockpile security standards at MoD stores (see section 6.2.1).

Ongoing thefts from civilian owners might present more of a problem than thefts from state stores. For example, two percent of respondents to the household survey admitted to having had a firearm stolen in the past, suggesting some 25,000 firearms have been stolen across the country.<sup>58</sup> This estimate should be regarded as a minimum figure due to under-reporting, especially regarding illegally held weapons that have been stolen.

### Trafficking

While the MIA's Department of State Border Defence (hereafter 'Border Police') does not consider small arms trafficking to be a major concern apart from in the areas controlled by the two separatist regions, cases of small arms trafficking across borders controlled by the Georgian Government have occurred in the past. It appears that significant amounts of illegal firearms may have entered the country due to trafficking across both the Northern mountainous border and the Southern border around the regions of Samtskhe-Javakheti and Kvemo Kartli (see section 8.4). While there is no evidence of small arms trafficking at the present time, it could become significant in the future were demand for illegal weapons to become greater.

## 3.5 Geographic distribution of firearms

There is great deal of variance in the distribution of legal and illegal firearms across Georgia's regions, even excluding the separatist areas. This is mostly due to the differing conditions across the country, including each region's proximity to zones of conflict or certain border areas, a continued cultural affiliation towards firearms amongst some groups, historic inter-ethnic tensions in some areas and related low levels of trust in the police and other security and justice agencies. However, state agencies were not able to provide detailed assessments of the distribution of either legal or illegal firearms. The following section aims to go some way to filling this gap, by using responses to the household survey, official crime statistics, past research and interviews to develop a picture of both legal and illegal firearms distribution.

<sup>56</sup> Op. Cit. Darchiashvili D. While official figures recorded 20,000 such weapons, it was argued that under-recording of such incidents meant that the real number was likely to be at least double this figure.

<sup>57</sup> Interview, Mamuka Kikaleishvili.

<sup>58</sup> Two percent of all respondents to the household survey stated that they have had a weapon stolen. On the basis that there are 1,243,158 households in Georgia, this entails that firearms have been stolen from 24,863 households.

In general, overall levels of firearm ownership were found by the research team to be highest in the capital, Tbilisi, and in the regions of Samegrelo-Svaneti, Shida-Kartli and Imereti. It is almost certainly no coincidence that these regions were found to exhibit the highest levels of illegal firearm ownership and that two of these regions (Samegrelo-Svaneti and Shida-Kartli) are close to Abkhazia and South Ossetia. Outside of these areas illicit firearms were found to be common in Ajara, among the mountainous areas of Kakheti and Mtskheta-Mtianeti, which border Chechnya and Dagestan, and among the non-ethnic Georgian communities in the border areas of Kvemo-Kartli. The basic indicators for high levels of firearms distribution in these areas are presented below.

### Box 3: Distribution case study – Tbilisi

Tbilisi was identified as one of main centres of both legal and illegal firearms in Georgia by both the public and government officials. Indeed, the Head of the MIA's Information Department thought there were more illegal firearms in Tbilisi than anywhere else in the country. This view was echoed by focus group participants:

*There are probably less weapons located in Pankisi Gorge than in the cities, because authorities often go to Pankisi [in search of weapons]. However, in Tbilisi nobody goes to houses in search of weapons. Isn't this true?*

**Focus group E, Tbilisi, housewife, female, 40**

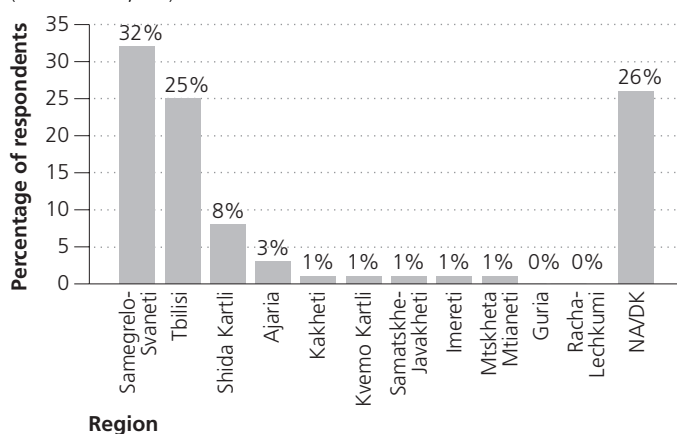
FGD participants also thought that urban gun owners most commonly possessed short-barrelled weapons such as TT and Makarov pistols, as well as some Kalashnikov assault rifles, while people living in rural areas mainly had hunting weapons. The supposedly high level of distribution of short-barrelled weapons in urban areas was thought to be associated with criminals operating in towns and cities.

### Overall geographic distribution

Respondents to the household survey thought that firearms, apart from those under the control of the state (eg Police and Army), are much more abundant in Tbilisi, the regions of Samegrelo-Svaneti and Shida Kartli, and Ajara.<sup>59</sup> Significantly, Samegrelo-Svaneti and Shida Kartli were also the only regions in Georgia where respondents thought that firearms were more abundant in their own region than in other regions:

**Figure 3: In which regions of Georgia are firearms most abundant?**

(Base No. = 1,300)



<sup>59</sup> It should be noted that this question made no distinction between legal and illegal firearms. It is also recognised by the research team that the levels of legal and illegal firearm ownership may vary dramatically within a region. Nevertheless, a regional breakdown of firearm ownership was considered the most accurate method for analysing the geographic distribution of weapons.

Overall, survey respondents also thought firearms were more abundant in cities (65 percent) than in villages and rural areas (19 percent). Citizens from Samegrelo-Svaneti were an exception to this trend, where a larger proportion of respondents thought that firearms are more abundant in villages and rural areas (40 percent). This discrepancy probably reflects significant levels of illegal firearms ownership in this region and the operations of organised armed groups, especially during the hazelnut harvest (see below).

#### **Box 4: Distribution case study – Samegrelo-Svaneti, Zugdidi town**

Illicit firearm holdings in Samegrelo-Svaneti are thought to be particularly high for a number of reasons. Firstly, most of the fighting during the civil war between the central government and supporters of ousted President Gamsakhurdia took place in Mingrelia and Svaneti, where he remained popular. As a result, a large number of firearms entered into circulation during this period. No substantive collection campaigns have been carried out since, meaning it is likely that a large amount of illegal firearms remain uncollected. Secondly, Samegrelo-Svaneti marks the internal border between Abkhazia and government-controlled Georgia, and is presently home to over 100,000 internally displaced persons, the largest concentration in Georgia. Security in this region remains a challenge, especially in the demilitarised zone, much of which is not effectively controlled by either the Georgian or Abkhaz side. Thirdly, there is a traditional affiliation with weapons among many of the region's inhabitants, and correspondingly high levels of ownership. Focus group respondents agreed that Samegrelo-Svaneti still has a significant problem with illegal firearms possession:

*Not even 10 percent of the weapons which were distributed amongst the population [in Zugdidi and Svaneti] in the 90s have been collected*

**Focus group D, Tbilisi, former MoD, male, 56**

*Our government is unable to control Svaneti because there are so many guns, and because there are so many guns there's no control.*

**Focus group H, Zugdidi, unemployed, Female, 42**

The chief of the Zugdidi Regional Police thought that levels of illicit ownership are decreasing, as indicated by the reduction in celebratory shooting during the 2005–2006 New Year and a considerable decrease in firearm-related crime. He also believed that currently there is no substantial black market in the region, and thus the principal way to obtain a weapon illegally is to purchase it from another illegal owner. Nonetheless, a 'large' number of firearms are still thought to be in illegal possession in the Zugdidi region, mostly from the early 1990s. High levels of illicit SALW distribution is indicated by the number and range of SALW seized by the regional police in 2005: 83 automatic rifles, 20 pistols, seven rifles, nine grenade launchers, 40 grenades, a number of anti-tank mines and dozens of hand grenades.

The picture of geographic firearms distribution painted by the household survey is generally in line with the views expressed in key informant interviewees and focus group discussions, except that interviewees generally felt that Tbilisi had the highest level of firearm ownership, rather than Samegrelo-Svaneti. Indeed, according to the MIA's Information and Analysis Department, the majority of registered rifled and gas firearms are probably in Tbilisi, as they are expensive enough to be considered a luxury. In contrast to the household survey, focus group participants also thought that there are significant levels of firearms ownerships in the mountainous regions of Northern Georgia (see **box 5**).



## Box 5: Distribution case study – Northern mountainous border, Kakheti

While it is possible to establish broad comparisons of firearm ownership between regions on the basis of responses to the household survey, key informant interviews and the focus group discussions suggest that there can be a good deal of disparity in firearm ownership within regions themselves. This is most likely to be true with regards to regions on Georgia's Northern border, especially Kakheti, Mtskheta-Mtianeti and Samegrelo-Svaneti. Focus group participants thought that more registered and unregistered weapons can be found in the mountainous regions of Svaneti (in Samegrelo-Svaneti), the Pankisi Gorge (in Kakheti) and Khevsureti (in Mtskheta-Mtianeti) than elsewhere in the country. The tendency for high levels of firearm ownership in these regions was attributed to the traditional association with guns amongst the mountain groups, as well as the proximity of recent conflicts in Abkhazia and Chechnya:

*There are many guns in Zugdidi and Samachablo [South Ossetia], as well as in the Svaneti and Khevsureti provinces [in Mtskheta-Mtianeti]. There are also many weapons in high mountain regions, where traditionally they have always kept many guns; I believe they're still there.*

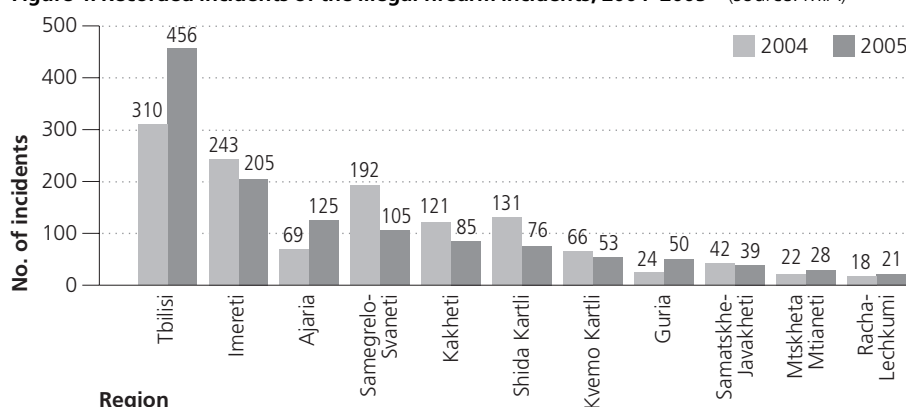
**Focus group G, Zugdidi, unemployed, Male, 55**

Of the regions with mountainous areas, substantial illicit firearm seizures were only recorded in 2004–2005 in Kakheti. More research is needed to establish the level of illicit firearm ownership in these regions.

### Distribution of illegal firearms

The above analysis can be compared with arrests for the illegal purchasing, possession, transfer and marketing of firearms (hereafter 'illegal firearms incidents')<sup>60</sup> during 2004 and 2005 to provide an impression of illegal firearms distribution.<sup>61</sup> The greatest number of illegal firearms incidents occurred in Tbilisi, followed by Imereti, Ajara, Samegrelo-Svaneti, Kakheti and Shida Kartli:

**Figure 4: Recorded incidents of the illegal firearm incidents, 2004–2005<sup>62</sup>** (source: MIA)



This picture is similar to that provided by the analysis of overall distribution based on responses to the household survey, except that the Samegrelo-Svaneti and Shida Kartli

<sup>60</sup> As categorised under Paragraph 236 of the Georgian Criminal Code.

<sup>61</sup> It should be noted that a proportion of illegal firearms incidents involve legally registered firearms that are illegally carried outside of the home. As such, these firearms cannot be considered illegal. The research team was not able to calculate the number of such incidents due to the lack of access to a more detailed breakdown of these crimes.

<sup>62</sup> Calculations of illegal firearm incidents per 10,000 people in 2005 provide a slightly different map of illegal firearm possession. While this type of crime is still most frequent in Tbilisi, those areas with smaller populations, such as Racha-Lechkhumi and Guria, are more prominent: Tbilisi (4.2 firearm incidents per 10,000); Racha-Lechkhumi (4.2); Guria (3.6); Ajara (3.4); Imereti (2.97); Shida Kartli (2.5); Samegrelo-Zemo Svaneti (2.3); Mtskheta-Mtianeti (2.3); Kakheti (2.2); Samtskhe-Javakheti (1.9); Kvemo Kartli (1.1). Source: Georgian Department of Statistics.

regions do not figure as prominently here as they do in responses to the household survey. However, government statistics for reported crimes involving the use of firearms (categorised as ‘banditry’)<sup>63</sup> indicate that, apart from Tbilisi and Imereti, illegal firearms possession is more widespread in these two regions than in the rest of the country. For example, in 2005, this type of crime most frequently occurred in Tbilisi (1,076 reported crimes) followed by Imereti (214) Samegrelo-Svaneti (141) Shida Kartli (120) and Kvemo Kartli (104).<sup>64</sup> While no information was available on whether these crimes involved legal or illegal weapons, previous research in other Eastern European countries indicates that the vast majority of gun crime is usually conducted with illegal weapons.

### **Box 6: Distribution case study – Imereti region, Kutaisi**

Imereti was an important crossroad into both Abkhazia during the conflict there and Svaneti/Mingrelia during the civil war. Firearms ownership in this region was investigated during interviews in Kutaisi town, although it is acknowledged that Kutaisi cannot be considered entirely representative of the whole region.

According to the Mayor of Kutaisi, as a result of the easy access to weapons presented by the town’s strategic position during the civil war, a significant amount of illegal weaponry was amassed in the town. Although no official figures are available for the number of firearms collected in Kutaisi during the 1995–1996 collection campaign, the Mayor believed that a large proportion of the region’s illegal weapons were either handed in voluntarily or seized, and those remaining do not represent a major problem. Nevertheless, significant amounts of firearms continue to be seized in the city. In the period August 2005–January 2006, the Kutaisi Police collected 18 units of weapons, including pistols, automatic weapons and explosives. Legal firearms possession is also high. The Mayor estimated that as much as 80 percent of households may have some sort of weapon (mostly hunting weapons). It has not been possible to check this estimate against Patrol Police records.

Significantly, illegal firearms incidents have increased substantially in both Tbilisi and Ajara in 2004–2005, compared to a downward trend in the rest of the country. In the case of Ajara, the increase is probably due to the fact that Ajara only reintegrated with the rest of Georgia in May 2004, following which the local authorities undertook an extensive collection campaign that included seizures (see section 7.1). Combined with the fact that consistent recording procedures have only been in place since 2004, this probably explains the increase in illegal firearms incidents in the region. It is less clear, however, why the number of recorded illegal firearms incidents in Tbilisi is increasing. This may be due to an increase in illegal firearms possession, but it might also be that increased police capacity in this area is uncovering incidents that would have previously gone unnoticed.

### **Box 7: Distribution case study – Ajara**

For over ten years, Ajara was ruled by Aslan Abashidze in effective isolation from Tbilisi. During two periods of his rule, firearms were distributed to the local population, apparently to shore up his power: the period of general instability in Georgia following independence (1991–1995); and during the stand-off between the Abashidze regime and the new government brought to power by the Rose Revolution in late 2003–early 2004.

<sup>63</sup> Paragraph 179 of the Georgian Criminal Code.

<sup>64</sup> See section 4.3 for more information on gun crime and its impacts.

In 1992–1993, Abashidze's regime distributed weapons to civilians, arguing that although Ajara was not yet directly affected by the conflicts elsewhere in Georgia, the general instability and in particular the threat caused by *Mkhedrioni* paramilitaries made such a step necessary. It is widely believed, however, that weapons were distributed selectively to Abashidze's relatives and friends, government officials and supporters of the regime as identified by Abashidze's intelligence service. It is thought that the authorities did keep registers of who had received weapons, but it is not known whether they were complete and in any event some records were destroyed when the Abashidze regime fell.

The second period began in October–November 2003, when the protests that culminated in the Rose Revolution swept Tbilisi. Abashidze recognised the threat to his regime and began handing out weapons once again. This gathered pace in February–March 2004 as the stand-off between Batumi and the new government in Tbilisi developed. People, particularly young men, were reportedly gathered together and given US\$1,000 and a weapon if they could assemble a group of militia. However, illicit SALW ownership is thought to have reduced substantially since a regional collection campaign in May 2004, following restoration of central control from Tbilisi (see section 7.1).

It should be noted that this method of using criminal data to establish a picture of illegal weapon holdings will only provide truly accurate information if all regional police forces have similar capabilities to detect and seize illegal weapons. However, it is clear that capabilities are not constant across Georgia, both because of differences in police capacity and because of the circumstances in which they operate. For example, the ability of the police in Samegrelo-Svaneti to seize weapons and record firearms crime is undermined by the proximity of the separatist region of Abkhazia and the existence of the demilitarised area along the internal border. Similarly, police operating in the mountainous regions of Kakheti and Mtskheta-Mtianeti may find it harder to seize weapons and record gun crime due to the strong gun culture in these areas and the difficult local terrain. Conversely, police operating in Tbilisi have more resources at their disposal than the regional police forces.

### **Box 8: Distribution case study – Non-ethnic Georgian communities, Kvemo-Kartli**

A final area of potentially high illicit firearms distribution, as indicated by incidents of banditry, is Kvemo Kartli. Previous research in 2004 by the Tbilisi-based NGO CIPDD has demonstrated that firearms distribution amongst the ethnic-Azeri population in this region is significant. According to the study, *'the amount of weapons amassed in the villages near the borders [in Kvemo Kartli] is such that the police avoid entering the villages or reacting properly to the crime committed there'*. (SALW Proliferation and its Impact on Social and Political Life in Kvemo-Kartli, CIPDD/GTZ, 2004) This study also estimated that 70–80 percent of the adult population in Kvemo-Kartli own firearms, with the largest amount concentrated in villages close to the border. These high levels of illicit firearm ownership are attributed in large part to low levels of trust in the police, a lack of knowledge regarding weapons licensing procedures and the alleged easy availability of weapons across the border in Azerbaijan. Another challenge is the low level of integration of the ethnic-Azeri community into Georgia's political and public life. The Georgian Government has not yet developed or implemented a cohesive policy for integrating ethnic minorities into society. This generates a perception among ethnic minorities that their culture, rights and religion are in some way threatened, which may encourage them to acquire firearms for self-defence rather than relying on state agencies to provide security. Indeed, representatives from the MIA have recognised that it is relatively easy to buy SALW in Kvemo Kartli due to the lower levels of co-operation between ethnic Azeris and the police.

## 3.6 Law enforcement

### Punishment for violations of domestic small arms legislation

According to the Georgian Criminal Code, the following punishments apply to violations of Georgia's small arms control legislation:<sup>65</sup>

**Table 5: Punishments for violations of domestic small arms legislation**

Crime	Punishment	Article in Criminal Code
Illegal acquisition or keeping of firearms and ammunition	Fine or imprisonment up to three years	Article 236, paragraph 1
Illegal acquisition of firearms, parts and ammunition (except for hunting rifles), with intent of robbery or extortion	Imprisonment of between three and seven years	Article 237
Illegal carriage of firearms and ammunition	Fine or imprisonment up to five years	Article 236, paragraph 2
Illegal production, transfer, transportation or sale of firearms and ammunition	Imprisonment of between five and ten years	Article 236, paragraph 3

The Georgian judicial system permits plea-bargaining over arms-related convictions, with fines of approximately GEL 10,000 (US\$5,500) being levied for conditional sentences.<sup>66</sup> An exception exists for cases of illicit possession, whereby if the firearm is uncovered disassembled and unloaded, a fine of approximately GEL 500 (US\$275) is imposed instead of a prison sentence.<sup>67</sup> The use of plea-bargaining for firearm offences could be problematic if it leads to inconsistent punishments for them. Further investigation is needed in order to ascertain whether this is the case. Those who voluntarily surrender unregistered firearms and ammunition avoid punishment under Georgian law providing that these firearms have not been used to commit a crime. Seized firearms become the property of the MIA, although in some cases they can be returned to their legal owner following a court decision.

### Investigative framework

There is currently no clear investigative framework for combating illegal firearm ownership within Georgia. The Patrol Police seizes illegal weapons, but weapons control and anti-proliferation initiatives do not fall within their competence. The Patrol Police are required to inform the Special Operative Department (SOD) of any seized or recovered illegal firearms. The SOD was formed in 2005 and is the lead agency combating organised crime. According to the Criminal Code, SOD is tasked with investigating and combating all gun crime, including seizures of unregistered weapons. However, it appears that SOD does not currently analyse patterns of illicit firearm ownership and trafficking, and has not yet developed a strategy or programme to combat the trade in illicit firearms. As the research team was unable to interview SOD officers, it is not possible to analyse the Department's capacities in more detail. Government policy to reduce illegal weapons possession through collection programmes is analysed separately in section 7.1.

### Administrative capacity

Overall, the administrative capacity of the agencies involved in the licensing process has improved significantly since 2004. The key changes have been the restructuring and streamlining of licensing procedures for self-defence weapons, improved capacity within the licensing system and reduced corruption.

<sup>65</sup> 2005 report to the UNDDA regarding implementation of the UN PoA.

<sup>66</sup> Interview, Shota Utiashvili.

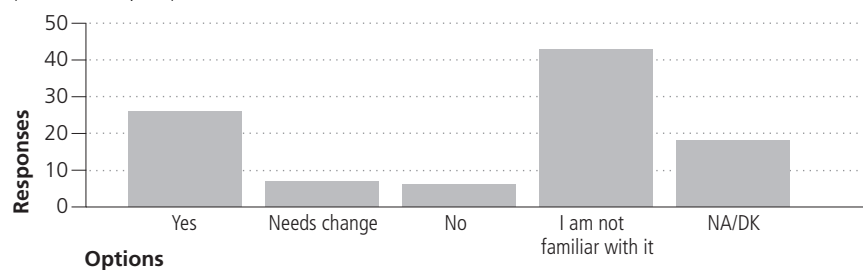
<sup>67</sup> Ibid.

Until 2004, licensing of 'self-defence' weapons was split between three separate Permissions Departments, each with a different geographical remit. These were theoretically responsible for Ajara, Abkhazia and the rest of Georgia respectively. However, the latter two were both based in Tbilisi, since the Department with responsibility for Abkhazia was also based 'in exile' in the capital. Despite this, there was virtually no co-ordination between any of the three departments, meaning that in effect there was no effective national control system.<sup>68</sup>

These three departments were unified in 2004 soon after the end of Aslan Abashidze's regime in Ajara, and since then, control over the licensing of self-defence weapons has improved. In 2005, the Permissions Department increased its capacity from ten to fifteen employees, five of which work in the central archives on updating the inventory at a cost of approximately GEL 2,000 (US\$1,100) per month. In addition, the Head of the Permissions Department plans to have a complete inventory of all issued licences in a computerised registration system by early 2007. This increased capacity is reflected in responses to the household survey. Those respondents who were aware of the registration and licensing system on the whole judged it to be efficient:

**Figure 5: 'Do you find the procedure of registration and licensing for legal firearms possession effective?'**

(Base No. = 1,300)



All interviewees agreed that the system for issuing licences was previously extremely corrupt. There were plenty of face-to-face opportunities for corrupt officials to demand bribes from those who applied directly for a licence, and the process was very slow for those who did not pay.<sup>69</sup> Another option was for the applicant to pay a gun shop to handle the application, after which the gun shop would process the documents, possibly without due procedure being followed. This cost considerably more than it was supposed to (GEL 50 – US\$27.4 as opposed to US\$8.7, suggesting that both the gun shops and officials profited from this arrangement), but was popular because it involved much less effort. The current system now requires that each individual gun owner has to personally hand in their documents, unless a notary has authorised the gun shop to act on their behalf. In the period following these changes to the system, up to 800 weapons were registered per month, a dramatic increase on previous figures. The Head of the Permissions Department attributes this increase to an understanding amongst the public that weapons can now be registered without paying bribes.

However, there are still a number of key weaknesses within the system. Firstly, although the Permissions Department is responsible for checking that applicants do not have criminal records and have acquired a medical certificate, in practice this is not always possible, due to both a lack of manpower and the fact that an adequate criminal record system has not yet been established.<sup>70</sup> Secondly, there is not yet a State Weapons Register classifying all types of weapons. Such a register should have been prepared by the Department for Standardisation and Metrology, but has not occurred due to a lack of funds. Thirdly, the Ministry of Justice (MoJ) does not have sufficient employees to conduct inspections of gun shops, as required by law (see section 5.5).

<sup>68</sup> Interview, Zaza Khachidze.

<sup>69</sup> It has been estimated that most of the employees in the Department made approximately GEL 2,000 (US\$1,100) a month through corruption, while the Head could have accrued up to GEL 10,000 (US\$5,500) a month.

<sup>70</sup> Interview, Zaza Khachidze.

Corruption also continues to represent a problem for the licensing system. For example, the 2003 'Law on Arms' required the MoH to establish a new certificate system ('third-degree certificates') for the licensing process. However, the MoH stopped issuing third-degree certificates as it was concerned that corrupt staff may be issuing them without due procedure. This means that the Permissions Department must either accept certificates that have been obtained corruptly, or ignore this requirement altogether. Another potential problem is the current lack of oversight over hunting licences issued by the Patrol Police. While this in itself does not entail that corruption is significant, it provides the conditions in which corrupt practices can occur.

It should also be noted that, due to the centralised process for licensing self-defence weapons, it is difficult for those living outside of Tbilisi to legalise or register such weapons. This fact was commented on by focus group participants, who thought that a less centralised licensing process would make it easier to legalise illicit weapons in remoter parts of Georgia, and the mountainous regions in particular. It was thought that the licensing process for sports and hunting weapons should also be made easier for those living in more remote regions:

*If we intend to legalise weapons, registration must be made easier for the high-mountainous regions. This is because it is impossible for people in these regions to collect the necessary documents, while these are the very regions where the most unregistered weapons are. There are two or three hunting guns in a family, there are more hunters and more beginners who want to take up the sport.*

**Focus group F, civil society activist, male**

While mobile licensing units may present a viable way of licensing such weapons in the more remote regions of Georgia, the law would need to be adapted to allow this as, at present, each licence for self-defence weapons has to be signed by the Head or Deputy Head of the Permissions Department.

# 4

## Firearm use and misuse

**THIS SECTION MAPS OUT THE DYNAMICS** of firearms use and misuse in Georgia, and the impact that they have had on individuals and society. According to the research team's findings, weapons are primarily acquired for protection, traditional reasons such as hunting, or criminal practices. Firearms misuse is relatively common in Georgia. The frequency of such incidents is indicated by the significant number of recorded crimes involving firearms (1,925) or illegal possession (1,238) in 2005, and cases of firearm-related morbidity (1,250) and mortality (50) during the same year.<sup>71</sup>

Nevertheless, human security has improved substantially in the period 2003–2005, with lower crime and gun crime rates and a more widespread perception of personal security amongst the population. The improved sense of security can be attributed to government actions, such as:

- A concerted country-wide crackdown on organised crime
- A national programme of police reform, including the establishment of the Patrol Police and resultant improved law enforcement capacity and police-public relations
- Improved recording procedures within the criminal justice system.

In the case of Ajara, these measures have also been augmented by an effective regional weapons collection campaign.

While these improvements are significant, improvements in the level of human security has not been shared equally across the whole country. Tbilisi and rural communities still suffer greatly from crime and firearm-related crime in particular, while the provision of basic security is often lacking in areas of 'grey sovereignty' such as the demilitarised area encompassing Zugdidi and Gali, minority areas and remote border communities. Indeed, there is some evidence that firearms crime and armed robbery in particular, might be more frequent than captured by MIA statistics. In addition, a larger proportion of respondents to the household survey stated they thought that the availability or use of firearms represented a major concern where they lived, than did not. This was especially the case in Samtskhe-Javakheti.

A number of significant weaknesses in the state's ability to combat the misuse of firearms are also still evident: the MIA does not record incidents of domestic violence involving the use of firearms; while the clear-up rate for firearm crime is significant, a very low proportion of criminal proceedings for such crime end up in court; in spite of improved police-community relations, a significant proportion of the victims of firearm crime do not turn to the police for security; and, trust in the police to provide security is still low amongst non-ethnic Georgian communities. Perhaps most

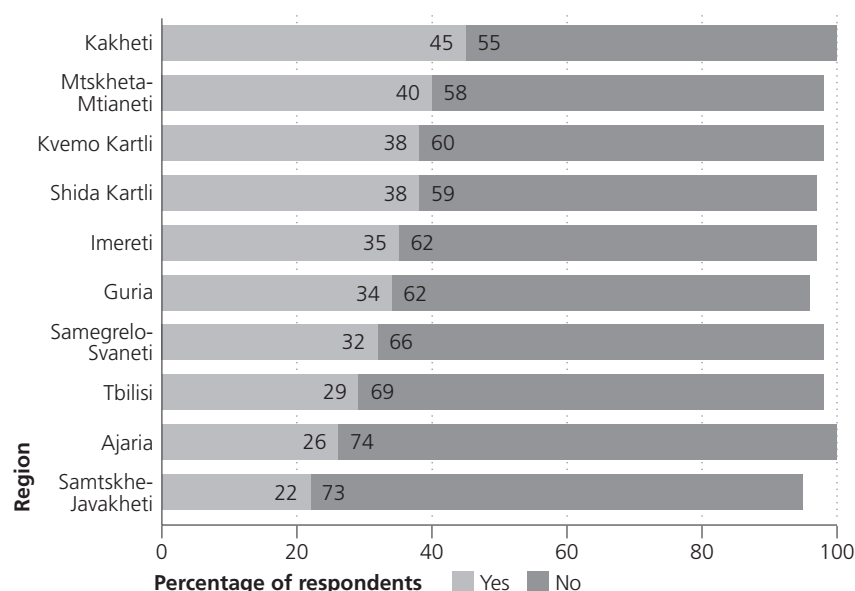
<sup>71</sup> See following analysis.

importantly, while law enforcement has improved, crime prevention has been undermined by the absence of strategic planning to combat firearm misuse. While this may be the case, the relevant government structures have shown both a willingness and ability to improve policy and practice in this area.

## 4.1 Demand for firearms

A third of household survey respondents said that if they could legally own a firearm, they would choose to do so (compared to 65 percent who would not). These responses provide an informative map of demand for legal firearms across Georgia. While the analysis in the previous sections suggests that weapons are most widespread in Tbilisi, Samegrelo-Svaneti, Shida Kartli and Imereti, responses to this question demonstrate that the desire to own firearms, or to legalise firearms already owned, was considerably greater in Kakheti, followed by Mtskheta-Mtianeti, Kvemo Kartli and Shida Kartli:<sup>72</sup>

**Figure 6: If you could own a firearm legally, would you choose to do so?**  
(Base No. = 1,300)



Research conducted for this survey indicated that the two principal drivers for firearms ownership in Georgia are insecurity and a consequent desire to protect oneself and traditions of hunting, linked to an embedded association with firearms.

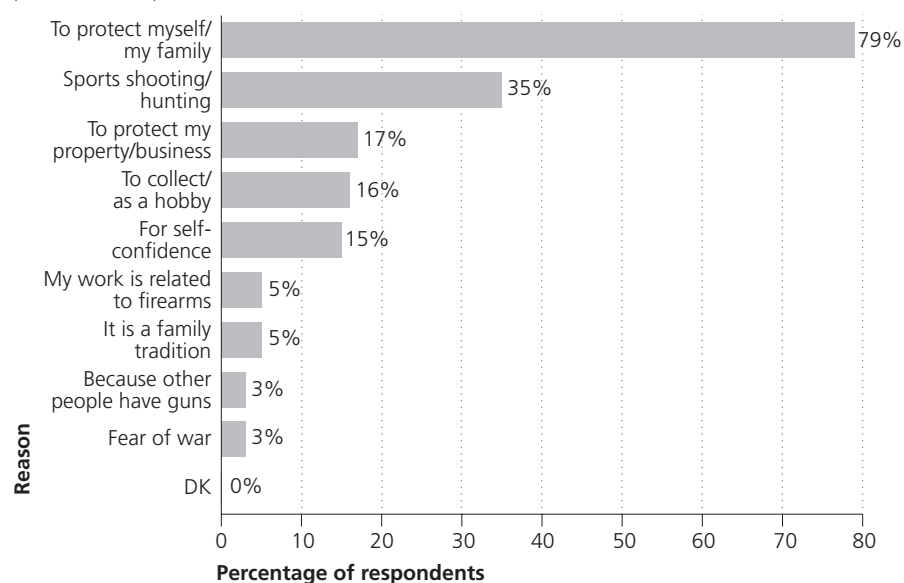
### Insecurity and self-protection

Survey respondents who stated that they would choose to own a firearm were then asked for the three main reasons why they would choose to do so. The most frequently cited reason was to protect themselves and their families, while the desire to protect their property and business was the third most frequently cited reason:

<sup>72</sup> It should be noted that as the number of respondents from three of the regions is very low (Samtskhe-Javakheti, 60; Guria, 41; Mtskheta-Mtianeti, 34), these responses cannot be considered statistically relevant.



**Figure 7: What are the three main reasons why you would choose to own a firearm?**  
(Base No. = 434)



Focus group participants also cited self-defence and defence of property as the most frequent motivations for people to acquire and own firearms:

*I'd say it's essential to keep a weapon at home since you still fear that somebody will break into your house at night.*

**Focus group F, Zugdidi, unemployed, female, 29**

Focus group participants attributed the sense that firearms are needed in order to ensure security to a number of linked factors including the recent history of resorting to violence in Georgia, continued instability in the country (especially amongst inhabitants in areas bordering conflict territories), and the inability of law-enforcement agencies to ensure security. The recent experience of war means that the idea of resolving conflicts in a peaceful, consensual way is still not widespread; small arms were the weapons of choice during the conflicts because heavy weapons were hard to come by.<sup>73</sup> All interviewees and focus group respondents noted the relationship between economic and social instability, personal insecurity and firearm ownership. Indeed, it was thought that increased personal security resulting from improved instability would manifest itself in reduced levels of firearm ownership:

*I think that there will be a continued decrease in the number of weapons if the situation continues as it has been.*

**Focus group K, Akhaltsikhe, unemployed, male, 30**

While trust in the police has improved substantially in recent times, it is not yet enough to prevent many people from seeking firearms. For example, 31 percent of survey respondents identified a more effective police force as the main factor that would make people in their community more willing to hand in illegal weapons. When asked to choose the three main factors that would reduce illicit arms proliferation, the percentage of respondents naming improved police efficiency increased to 53 percent, the most frequent response. This was considered to be much more important than an improved economic environment (eight percent) or resolution of the remaining conflicts in Georgia (five percent). The importance of poor public provision of security for levels of weapons ownership was recognised by a number of parliamentarians interviewed by the research team, who voiced the opinion that once the Government is strong enough to ensure security for its citizens, the tendency to acquire and keep weapons would reduce.<sup>74</sup>

<sup>73</sup> Interview, Kakha Katsitadze.

<sup>74</sup> Interview, Murman Dumbadze.

### Hunting and affiliation with firearms

The existence of a ‘gun culture’, or tradition of owning firearms, is frequently cited as the primary cause of legal and illegal arms proliferation in Georgia and throughout the Caucasus. This culture has been traced back by interviewees to medieval times and the tradition of *dzhigity*, who were obliged to carry weapons. This argument was echoed by focus group participants:

*First of all, in Georgia everybody owned weapons – and not only at home – they kept them on their person at all times. At that time [medieval times] the best weapon was the ‘sabre.’ When firearms came to Georgia, every family had one. There wasn’t a family that did not own a weapon – that’s tradition.*

Focus group A, Tbilisi, civil servant, male, 26

However, although firearms may have previously been kept for self-defence, hunting weapons and not self-defence weapons are presently the mostly widely distributed type of firearm in Georgian society. In addition, when asked to identify the principal reasons other than protection that make people acquire firearms, survey respondents identified sports shooting and hunting as the main driver (66 percent of respondents), above tradition (15 percent) and being a valued family possession (12 percent). However, the focus group discussions demonstrated that hunting firearms are owned not only directly for hunting purposes, but also for more cultural reasons, such as historical and family tradition, as collectors items or simply because they considered weapons valuable. This suggests that a ‘gun culture’ is an important factor behind weapon ownership in Georgia:

*My father owned one [a hunting weapon] and I have one too.*

Focus group A, Tbilisi, civil servant, male, 26

*I do not have a weapon, but I own a hunting gun. Do I want to buy another gun now? Of course I do, because I like guns. I do not need one for self-defence or for any other purpose – I like them, they are valuable to me, and that is why I want them.*

Focus group C, Tbilisi, unemployed, male, 40

The strong demand for both legal and illegal firearms in the remote regions of Kakheti, Mtskheta-Mtianeti and Kvemo Kartli indicate that an association with firearms may be stronger amongst some remote communities. This picture was supported by the focus group discussions:

*In Svaneti, weapons are still being found from the civil war period even now. People have not given up weapons from that period, even though they do not use them. They have had these weapons for a long time; they did not get them today. For more than half a century they may have had this weapon at home; it may never have been used, serving only as a collector’s item.*

Focus group B, Tbilisi, unemployed, male, 39

It has been frequently claimed by interviewees that non-ethnic Georgian groups exhibit a stronger gun culture. However, attitudes towards firearms and firearms ownership were consistent amongst all focus group participants, irrespective of their ethnic origin. When asked directly about levels of gun culture in their ethnic groups, non-Georgian participants stated that every Caucasian has the same attitude towards weapons.

## 4.2 Demand for illegal firearms

In general, there are three main reasons for Georgians to choose to possess a firearm illegally: criminal use; low levels of trust in the police and a related reluctance to be recorded as a firearms owner; and, cost and choice in the illegal market.

### Criminal use

A total of 42 percent of survey respondents thought that aside from protection for self, family and property, the desire to undertake criminal activities is one of the three main reasons for people to keep firearms. Respondents also thought that apart from the Army and the Police, criminal groups were the section of society with the highest level of firearm ownership.

### Low levels of trust in the police

A total of 36 percent of survey respondents indicated that a reluctance to be recorded as firearms owners was the major driver for illegal firearm possession. While there may be various causes for this reluctance, a lack of trust in the police is probably the main one. This rationale is supported by focus group respondents, who argued that low levels of trust in the police undermine attempts to legalise weapons in Georgia.

### Cost and choice in the illegal market

Focus group participants suggested that an additional reason for people to buy guns on the black market is that they are cheaper. For example, it is estimated that ‘TT’ and *Makarov* pistols cost US\$150–250 on the black market, compared to US\$300 in a gun shop (though one key informant stated that black market prices are roughly the same as in gun shops).<sup>75</sup> Some people may also want to own weapons that cannot be registered legally, such as assault rifles. In order to acquire such weapons aspirant owners would have to turn to the illegal market.

### Demand for firearms among young people

It was widely thought by household survey respondents and focus group participants that a substantial number of young people have firearms. As argued above, it is probable that many of these weapons are not registered and were acquired either through inheritance or illegal means. There are a number of reasons why young people may choose to maintain unregistered weapons. This may be because such firearms are intended for criminal purposes. Focus group participants believed the ‘face of crime’ to be changing, with an increasing amount of young people turning to crime and thus wishing to own firearms. Increasing criminality amongst young people was attributed to youth unemployment and the fact that the increased demands of the younger generations are not being met:

*There are extreme differences between social poles within Georgian society. It is very difficult to explain to a young person why one person has a US\$400 mobile phone when he has one that is not even worth US\$100. It is certainly difficult for a 13- or 14-year-old to understand such realities. They think they must oppose such inequality, and that they are unjustly subject to it. Moreover, the only way to get a mobile phone at a young age is to get some weapon and use it take one from another person. As the other kid has not earned the mobile phone, young people see no injustice in taking it from him.*

Focus group E, Tbilisi, laboratory manager, female, 44

<sup>75</sup> Interview, Shota Utiashvili.

However, significant levels of illegal firearms ownership among young people might also be explained simply by the fact that those who wish to do so cannot afford to purchase a firearm legally.

### 4.3 Criminal impact

The MIA was able to provide recorded crime statistics, including crime involving the misuse of firearms, for the period 2004–2005. While registered crime in Georgia has increased by 74.1 percent during this period, from 24,856 recorded incidents in 2004 to 43,266 recorded incidents in 2005,<sup>76</sup> this increase is mostly attributable to improved efficiency in recording crime and the adoption of a new Criminal Code in May 2005. According to the Head of the MIA's Information and Analysis Department, the new code has resulted in significant changes in the way that statistics are recorded. As a result, it is thought that for the first time statistics have real significance for strategic planning and crime prevention, whereas before they were too vague to be operationally useful.<sup>77</sup> In addition, it is felt that a far larger proportion of crime is now reported to the MIA, due to increased trust in the police amongst the general public.

The Georgian Criminal Code records firearm-related crime under two categories – paragraph 236, ‘the illegal acquisition, possession, carriage, production, transfer, transport or sale of firearms’ (further referred to as ‘illegal firearms incidents’), and paragraph 179, ‘banditry’, which refers to crimes committed with firearms (without breaking this down further by type of crime). According to official statistics, there were 1,925 incidents of banditry in Georgia in 2005 – 4.5 percent of all crime, an increase of 11.1 percent on 2004 – and 1,242 illegal firearms incidents – 2.9 percent of all crimes, an increase of 0.3 percent on 2004. This provides a total of 3,167 firearm-related crimes in 2005 or 7.3 percent of all recorded crime:

**Table 6: Firearms related crime in Georgia, 2004–2005** (Source: MIA Information Department)

Type of crime	2004	2005	Increase	Percentage increase
<b>Banditry</b>	1,733	1,925	+192	11.1
<b>Of which were serious crimes</b>	1,609	1,708	+99	6.2
<b>Of which involved cars</b>	242	251	+9	3.7
<b>Illegal possession etc.</b>	1,238	1,242	+4	0.3

According to information provided by the General Prosecutor, however, armed robbery alone comprised 17 percent of the ten most frequently occurring crimes in 2005.<sup>78</sup>

Comparisons between firearm-related and other crimes in 2004 and 2005 demonstrate the significance of firearm crime for Georgian society. In 2005, there were only slightly less incidents of recorded banditry than recorded robbery (2,087) and in 2004 there were actually more recorded incidents of banditry than robberies (1,316). Recorded incidents of banditry in 2005 were only slightly lower than drug-related crimes (2,074) and traffic violations (2,625) and were substantially higher than most other crimes, including grievous bodily harm (368 incidents), fraud (427), hooliganism (1,314) and car theft (283). It should be noted, however, that this may well be due to the fact that Georgians are more likely to report serious crimes involving firearms than more petty crimes such as hooliganism.

<sup>76</sup> Information provided by the MIA's Information and Analysis Department.

<sup>77</sup> Interview, Shota Utiaşvili.

<sup>78</sup> Interview, George Jokhadze.

## Box 9: Banditry in contemporary Georgia

Car or minibus (*marshrutka*) hijacking for theft or ransom represents one particularly problematic crime involving firearms and is the only firearm-related crime that is categorised separately in the Georgian crime statistics. There were 242 recorded cases of car hijacking in 2004 and 251 cases in 2005. Car hijacking was most frequent in this period in Shida Kartli and Imereti, where there were 41 and 37 recorded incidents respectively in 2005. Focus group participants also identified cars/minibus hijacking with firearms as a problem, often with tragic results:

*Four months ago some people with machineguns tried to stop a bus. The driver did not stop so they started to shoot. The driver was wounded... [and]...one young man was fatally shot in the head and died on the spot. The bandits got onto the bus and started robbing people, and then they just disappeared.*

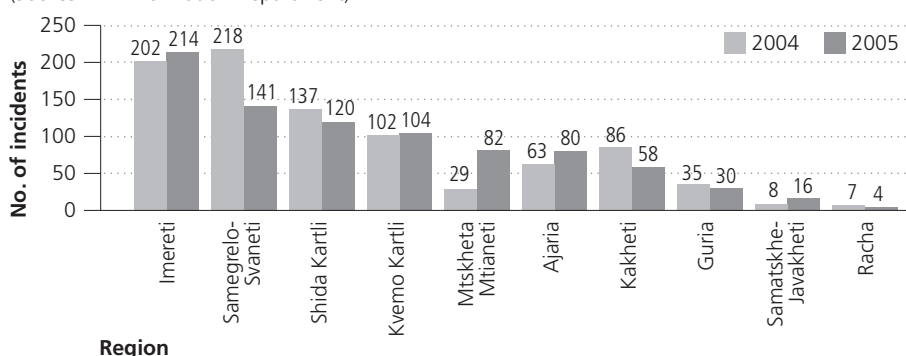
**Focus group N, Marneuli, public official, male, 45**

Interviews conducted in Kutaisi (Imereti region) confirmed that car hijacking is a serious problem. For example, during 2005 two groups were hijacking 2–3 minibuses a week in Kutaisi. The vehicle owners would be forced to pay the groups in order to have their vehicles returned or to be protected from such attacks. One of the groups was in the possession of two weapons, while the second group had one weapon.

MIA statistics also provide a geographic breakdown of firearm-related crime ('banditry').<sup>79</sup> These figures demonstrate that the vast majority of firearm-related crime occurs in Tbilisi. In 2004, 846 (48 percent) of the 1,733 recorded incidents of banditry in Georgia occurred in Tbilisi. The percentage was even higher in 2005, with 1,076 of 1,925 recorded incidents taking place in Tbilisi (56 percent). Outside of Tbilisi, the four regions that suffer most from firearm-related crimes are Imereti, Samegrelo-Svaneti, Shida Kartli and Kvemo Kartli, all of which are judged to have a large level of both legal and illegal firearm ownership (see section 3.5):

**Figure 8: Firearms-related crime (excluding illegal firearm incidents) excluding Tbilisi, 2004–2005<sup>80</sup>**

(Source MIA Information Department)



### Domestic violence

No information was available regarding acts of domestic violence committed with firearms, as registration of domestic violence only began started in February 2006.<sup>81</sup>

<sup>79</sup> For a breakdown of illegal firearm incidents by region see figure 4.

<sup>80</sup> Calculations of firearm related crime per 10,000 people in 2005 provide a similar map of firearm related crime, with the exception that such crimes are more frequent per 10,000 people in Mtskheta-Mtianeti and Guria: Tbilisi (7.8 firearm related crimes per 10,000); Mtskheta-Mtianeti (6.7); Shida Kartli (3.9); Imereti (3.1); Samegrelo-Zemo Svaneti (3.1); Guria (2.2); Ajara (2.1); Kvemo Kartli (2.1); Kakheti (1.5); Racha-Lechkhumi (0.8); Samtskhe-Javakheti (0.8). Population figures provided by Georgian Department of Statistics.

<sup>81</sup> Interview, George Jokhadze.

Even now domestic violence is not recorded as a separate criminal category, but instead as a motive behind crimes. However, results from the household survey and focus group discussions indicate that domestic violence may represent a serious problem in Georgia. A total of 47 percent of survey respondents thought that firearms had ‘some negative’ or ‘negative’ impacts on relations within the family and a number of focus group participants were aware of families in which firearms were used to commit domestic violence:

*Our neighbour’s son had a gun that he brought back from the conflict in Abkhazia, which he went on to register officially. Later on, when he became drunk, he would frighten and beat his wife [with it].*

Focus group J, Kutaisi, unemployed, female, 38

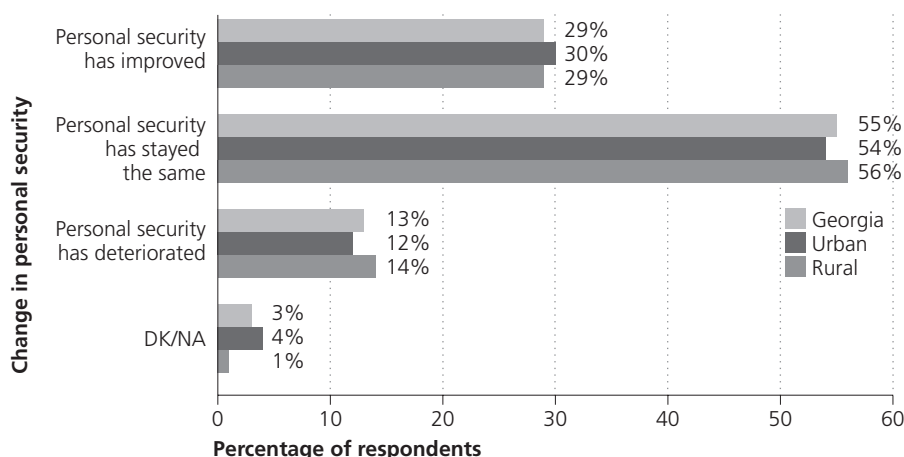
MIA statistics on firearm-related crime in Georgia can be contrasted with information obtained from the household survey and focus group discussions, as well as previous national and international crime victimisation studies. Information from these sources have been analysed in terms of perceptions of personal security, fear of crime, perceptions of crime levels and organised crime, and knowledge of the illegal carriage and use of firearms.

### Perception of personal security

In correspondence with a reduction in recorded crime, an increased sense of security in Georgia in 2005–2006 was reported by both household survey respondents and focus group participants. For example, 73 percent of survey respondents felt that they were ‘quite safe’ or ‘very safe’ living and working in their community, with only 26 percent feeling unsafe. In addition, 29 percent of respondents thought their personal security had improved over the previous year, while only 13 percent thought it had deteriorated:

**Figure 9: Compared to one year ago, how do you think that the level of your own personal safety (security) has changed?**

(Base No. = 1,300)



Focus group participants attributed the improved sense of security amongst the population to the introduction of the Patrol Police. However, it was thought that those living in rural areas and the suburbs of large towns, where the Patrol Police are still not yet fully operational, have not shared this increased sense of personal safety to the same degree:

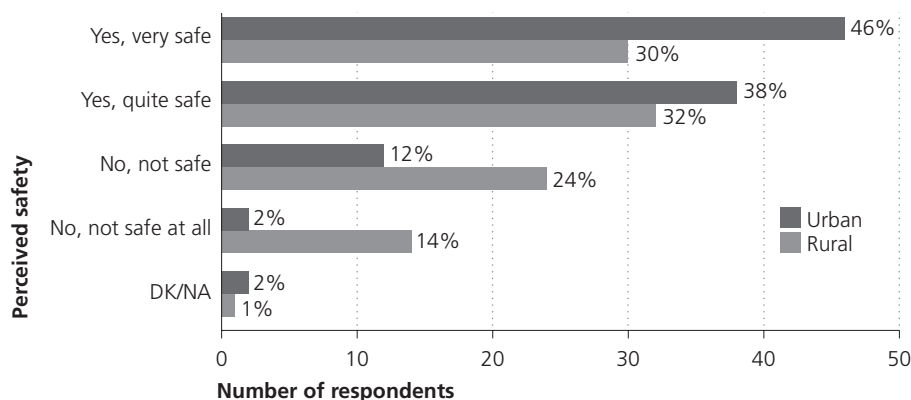
*In the past many crimes were committed in the centre of town, but now criminals are robbing people in the outskirts or at gateways to buildings... There is a street with an old railway station and locomotive shed. This area is so dangerous that you cannot go near it since it highly probable that you will be robbed.*

Focus group I, Kutaisi, teacher, female, 59

Indeed, a substantial proportion of rural residents (38 percent, in contrast to 14 percent of urban residents) continue to feel either ‘not safe’ or ‘not safe at all’ in their community:

**Figure 10: Do you feel safe living and working in your town/village/district?**

(Base No. = 1,300)



Tbilisi may represent an exception to the trend. Tbilisi is the only urban part of Georgia where a greater proportion of respondents felt that they were ‘not safe’ or ‘not safe at all’ (57 percent) than ‘quite safe’ or ‘very safe’ (42 percent). Tbilisi respondents demonstrated a lower sense of security and a heightened fear of crime across all questions. Indeed, feelings of personal security in the capital seem to have diminished in the period 2000–2005. When an International Crime Victimization Survey (ICVS) of 1,000 individuals in Tbilisi was carried out in 2000, 61 percent felt themselves to be safe against 39 percent who did not.<sup>82</sup> As a result, in the period 2000–2005 there has been a 19 percent decrease in the number of Tbilisi residents who consider themselves to be safe, and an 18 percent increase in residents who feel unsafe.

In addition, while the overall criminal situation is thought to have improved, it was noted that uncontrolled areas of ‘grey sovereignty’ continue to exist where the state agencies are unable to fully provide security. This refers primarily to areas bordering the regions of Abkhazia and South Ossetia, where criminality and insecurity are thought to represent a major problem to local communities (as do both the threat and actual use of firearms) and remote border regions. Security problems near conflict zones are discussed further in **box 11**.

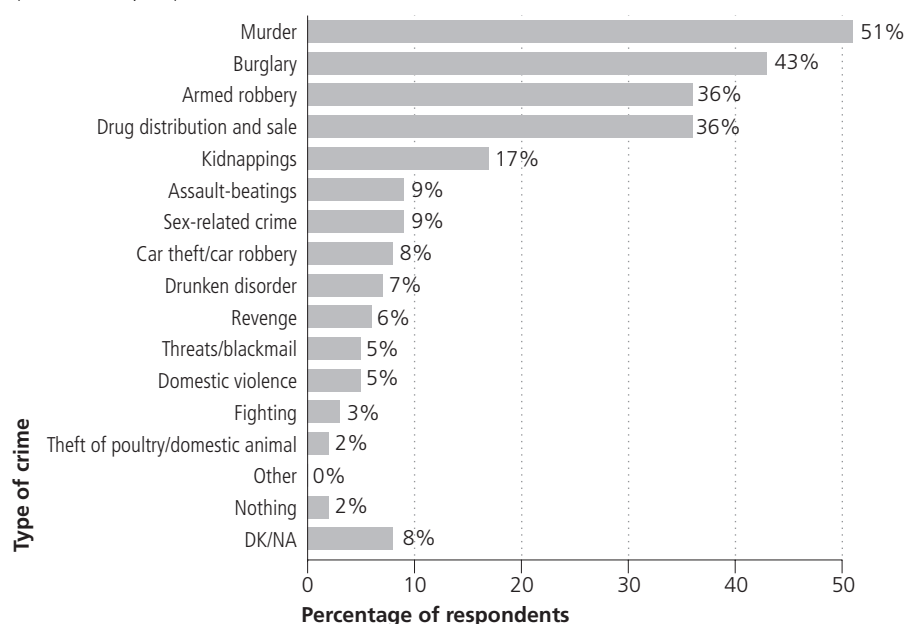
### Fear of crime

Only 23 percent of household survey respondents were afraid that they or their family might become a victim of crime. Indeed, overall fear of crime appears to be lower in Georgia than in other post-Soviet countries (for example, the corresponding figure in a recent survey of Moldova was 58 percent). Nevertheless, the household survey unveiled a significant fear of gun crime and its impacts. After murder and burglary, armed robbery was rated as the third most frequent type of crime causing insecurity:

<sup>82</sup> Source: Alvazzi del Frate et. al. *Criminal Victimization in Urban Europe. Key findings of the 2000 International Crime Victims Survey* (UNICRI, 2004), <[http://www.unicri.it/www/analysis/icvs/pdf\\_files/CriminalVictimizationUrbanEurope.pdf](http://www.unicri.it/www/analysis/icvs/pdf_files/CriminalVictimizationUrbanEurope.pdf)>, accessed 28 April 2006.

**Figure 11: What three types of crime are the biggest causes of insecurity to you personally and to your family?**

(Base No. = 1,300)



Fear of armed robbery was particularly high in Ajara (54 percent) and Imereti (48 percent). Significantly, 34 percent of respondents also stated that they worried at least sometimes that they or someone close to them might be injured or killed with firearms. This fear was especially widespread among residents of Tbilisi (71 percent) and rural respondents (50 percent).

### Perceptions of crime levels

In line with increased perceptions of security and low levels of fear of crime, the criminal situation was also thought to have improved in 2005–2006. In total, 46 percent of survey respondents thought that crime rates in their community had reduced in the last year, against only 15 percent who thought they had increased.<sup>83</sup> While the impression of falling crime rates was on the whole supported by focus group discussions and interviews with regional police officials, mayors and civil society representatives, a number of focus group participants questioned whether criminality had reduced as much as was portrayed on television. It was thought by a number of participants that the mass media ‘showcased’ police successes and that this had created an illusion of security:

*The TV tells us that people are stealing less but I don't think that anything has really improved for the better.*

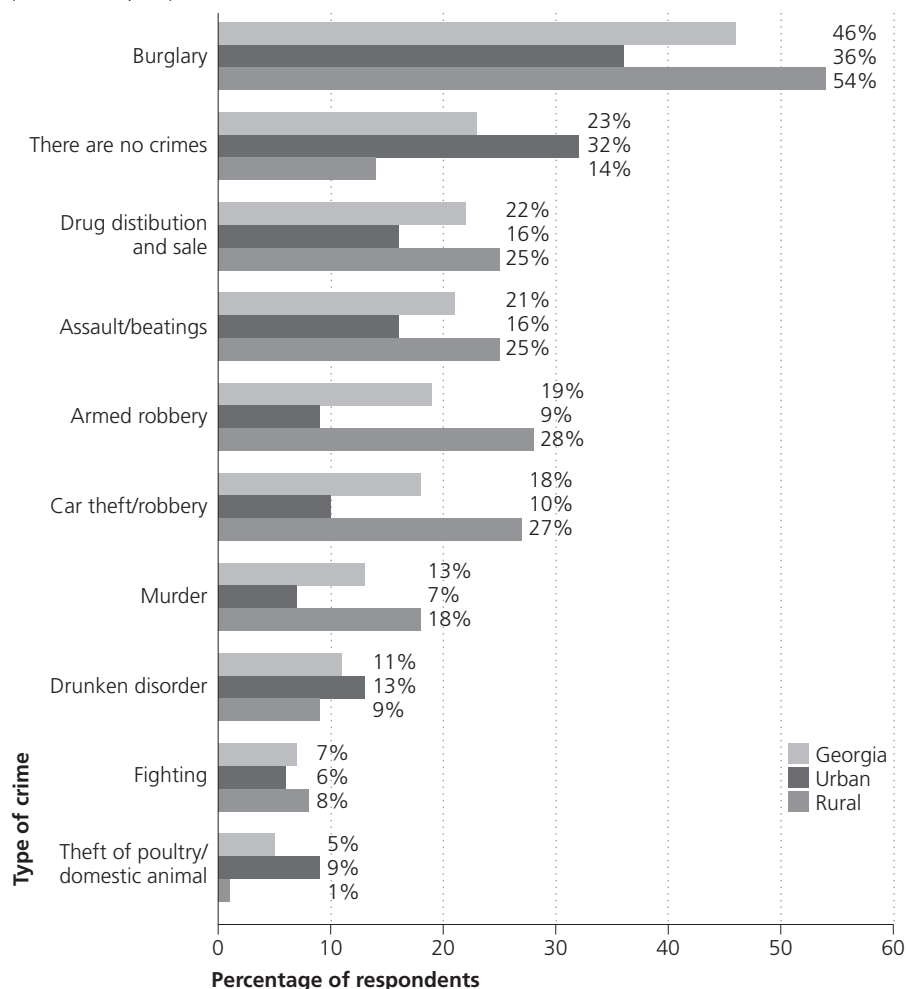
Focus group L, Akhaltsikhe, male, 38

On the whole, respondents to the household survey and focus group participants considered firearms crime to be significant. For example, 19 percent of respondents named armed crimes as one of the three most frequent crimes occurring in their community:

<sup>83</sup> ‘How do you think crime rates have changed in your town/village/district in the last year?’ (Base No. = 1,300)



**Figure 12: What three crimes occur most often in your town/village/district nowadays?**  
(Base No. = 1,300)



It should be noted that some response categories other than ‘Armed Robbery’ might include firearm-related crimes (such as murder or car theft/robbery). In contrast with the perception that armed robbery occurs frequently, as noted above, official statistics state that only 4.5 percent of all crime in 2005 was firearm related (classified as ‘banditry’). The overall discrepancy with official statistics may indicate either that a significant amount of firearm-related crime is not reported to the police and is consequently not captured in police data, or that firearm related crime is high profile, resulting in Georgians considering it to be more frequent than is the case.<sup>84</sup> While this is the case, the perception that armed robbery occurs frequently tallies with the fact that armed robbery comprised 17 percent of the ten most widespread types of crime in the same year.

Respondents from Tbilisi (29 percent), Samegrelo-Svaneti (28 percent) and Imereti (26 percent) were more likely to name armed crime as a regular occurrence in their community. Again, this finding tallies with official crime records showing that firearm crime is most frequent in these three areas. The difference between the prominence of armed robbery in rural areas (28 percent) and urban areas (9 percent) is also striking. Indeed, rural respondents were more likely to state that all types of crime took place in their community, with the exception of drunken disorder and theft of animals and poultry. In addition, only 14 percent of rural respondents thought no crimes took place in their community, compared to 32 percent of urban respondents. These responses support the analysis that increased police efficiency and the introduction of the Patrol Police has had less of an impact on security in rural communities than in urban communities.

<sup>84</sup> Of the 36 respondents that had actually been victims of crime, only two stated that the incident involved the use of a firearm (5.5 percent). Unfortunately, this base number for this question is too low for it to be considered statistically relevant.

Focus group participants were able to cite a range of criminal incidents in which firearms had been used. Many of these cases resulted in injury or death:

*A day or two ago drug users attacked a young woman in her home. They were using a machine-gun and the woman was killed. Later on, they escaped to Azerbaijan. Who will catch them now?*

Focus group N, Marneuli. Bank cashier, male, 48

*Not long ago some students came to me very scared because there had been robberies in their apartment. People in masks had come with guns and taken their cell phones. These girls were very scared. This happened two months ago.*

Focus group B, Tbilisi, university lecturer, female, 39

Significantly, in contrast to the perception of declining overall crime rates, there was no general trend amongst survey respondents as to whether firearm-related crime had increased or decreased between 2002 and 2005. While 35 percent said firearm crime was ‘falling’ and five percent said it was ‘falling a lot’, 24 percent of respondents thought such crime was ‘rising’ and five percent thought it was ‘rising a lot’.<sup>85</sup> A larger proportion of respondents thought that firearm-related crime was rising, than thought that such crime was falling, in Tbilisi (35 percent), Samtskhe-Javakheti (32 percent), Guria (40 percent) and Mtskheta-Mtianeti (39 percent).

### Perceptions of organised crime

A total of 35 percent of household survey respondents thought that organised crime had decreased during the previous year, compared to 24 percent who thought that levels have increased and 27 percent who thought that levels have remained the same.<sup>86</sup> Improvements in this area have generally been attributed to a crackdown on organised activity, co-ordinated by the central authorities to undermine the ‘reputation’ and ‘image’ of the crime lords. Reductions in the levels of organised crime in Georgia were reflected in interviews with police officers in different regions.

### Box 10: Organised crime in Imereti, Kutaisi town

A good example of reduced organised criminal activity is provided by the town of Kutaisi, which has previously been portrayed as a city of crime lords. The mayor of Kutaisi believes that this reputation might have dissuaded and continues to dissuade businesses from investing in the region. According to the Chief of the local Regional Police, up until the Rose Revolution in 2003 the town of Kutaisi had suffered from a high level of activity by the so-called *vory v zakone* (‘thieves in law’), groups of organised criminals that developed in prisons throughout the former Soviet Union. About 70 *vory v zakone* operated in Kutaisi under the previous government and had a significant influence in the region, controlling a range of criminal and financial activities. These criminals also had quite a powerful support base in the Kutaisi prison and had been able to instigate prison riots in the past. As a result of the national campaign, it is thought that the *vory v zakone* are no longer powerful role models for the young people in Kutaisi and the Mayor of Kutaisi believes that the criminal situation in the city has improved to the degree that it represents a very favourable investment climate.

There was, however, a slight discrepancy between results from the household survey and views expressed in the focus group discussions on this topic. While focus group participants agreed that common crime had decreased, they thought that organised crime had on the whole increased, mostly due to the increased prominence of the drugs trade in recent years.

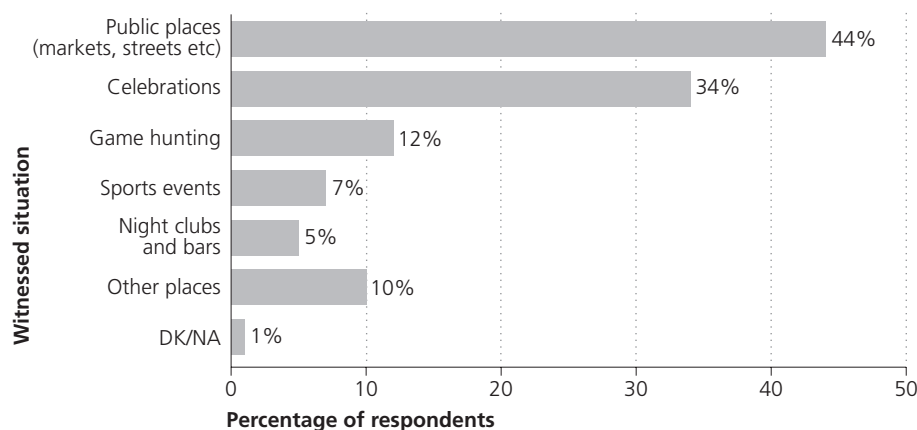
<sup>85</sup> ‘How do you think the number of crimes using firearms has changed in the last three years?’ (Base No. = 1,300)

<sup>86</sup> ‘How has organised crime changed in Georgia in the last year?’ (Base No. = 1,300)

### Knowledge of illegal firearm carriage and use

The vast majority of household survey respondents have never seen firearms being carried by persons other than police or army officers. However, a number of respondents and focus group participants had personal experience of weapons being used in society. As much as 14 percent of all respondents had personally witnessed a situation where weapons were used, in the situations shown in figure 13:

**Figure 13: In what kind of situations have you witnessed firearms being used?**  
(Base No. = 180)



While some of these usages were legal (game hunting, 12 percent; sports events, seven percent), a significant number of respondents had witnessed firearms being used in urban public places (44 percent), celebrations (34 percent) and nightclubs and bars (five percent). Indeed, a significant number of focus group participants were able to recall incidents in which firearms had been used publicly in an illegal manner:

*I was at wedding party and there was this one man. At that time he worked in police and had the legal right to carry a weapon. He had made a deal with somebody, he was drunk and he put the gun to the guy's forehead. Yes, he has a right to carry a gun, but shouldn't he know when and where to use it? He did not shoot the guy, but shouted loudly.*

Focus group K, Akhaltsikhe, unemployed, female, 27

### Box 11: Firearms use and misuse in areas bordering the conflict zones, Zugdidi

The availability and impact of firearms in regions bordering the conflict zones areas is thought to be substantially greater than in the rest of government-controlled Georgia. Indeed, data made available by the MIA indicates that outside of Tbilisi and Imereti, firearms crimes are most frequent in Samegrelo-Svaneti (141 incidents in 2005) and Shida Kartli (120 incidents). Both these regions border the separatist areas of South Ossetia and Abkhazia. In order to assess whether firearms impacts in these regions diverge from those in the rest of government controlled Georgia, the research team conducted a detailed study of the Zugdidi region in Samegrelo-Svaneti, which forms part of the 'de-militarised' zone along the Abkhazian border (see section 2.2).

The Zugdidi region is thought to have suffered particularly badly from the post-conflict fallout through the relocation of a large number of internally displaced persons (70–80,000 from a total population of 478,000), increased crime, including firearm-related crime, the presence of organised groups and a resultant higher level of insecurity amongst the general population. According to focus group participants, civilians living in this zone are constantly threatened by both local and Abkhazian criminal groups, which engage in orchestrated thefts during the harvest season and kidnapping. As a result, insecurity was considered to represent a real concern for their families:

*We live in the region bordering the conflict area and we cannot even speak of minimal security.*

**Focus group H, Zugdidi, unemployed, female, 27**

Focus group participants believed that the continued presence of weapons in Abkhazia and Zugdidi meant that there was a greater threat of violence in this area:

*It is always dangerous in places where weapons can be found; weapons pose a threat, and they are a motivation for violence. Now in Abkhazia they say that they have guns for self-defence, but nobody knows what will result when such weapons fall into the hands of the wrong people... and that is why weapons must be controlled.*

**Focus group I, Kutaisi, manager, male, 55**

While the level of insecurity in Zugdidi is greater than in most of the rest of Georgia, improvements have been made since 2003. Focus group respondents noted these improvements, stating that the number of armed robberies and kidnappings had reduced recently. According to the Chief of Zugdidi regional police, serious crime in the region fell by 43 percent during 2005, while the number of armed robberies fell by 100 incidents compared to the previous year. In the first month of 2006, only five of sixty-six criminal cases reported involved the use of weapons (attempted armed robberies). Household survey respondents from Samegrelo also thought that crime rates (77 percent of respondents, compared to the national average of 46 percent) and organised criminality (70 percent) had reduced over the last year.

According to CIVPOL, the presence of weapons and the number of incidents involving them is much higher on the Abkhazian side of the demilitarised zone than in the Zugdidi region. For example, there was only one major incident involving SALW in the Zugdidi region between November 2005 and January 2006. During the same period, there have been a number of such incidents in the Gali region, including three armed bus robberies, two abductions with firearms every week and the murder of a young man by hit-men.

## 4.4 Impact on public health

It is difficult to make an accurate assessment of the impact of firearms on health in Georgia due to the absence of systematic recording of firearm-related mortality and morbidity. Nevertheless, using a number of sources, including available government statistics, interviews with health officials, hospital archives and previous research, it was possible to develop an approximate picture of how firearms usage affects health. The research team calculates that about 1,250 firearm-related injuries were treated by Georgian hospitals in 2005 (1,100 in Tbilisi; 63 in larger regional hospitals; and 90 in small regional hospitals), of which 50 resulted in death.

### Firearm-related injuries

The MoH collects statistics on firearm-related injuries according to the World Health Organisation's (WHO) International Classification of Diseases (ICD-10). According to ICD-10 data for the years 2001–2004, firearm related injuries have steadily decreased. Over 86 percent of all victims are males, the majority of which are in urban areas and over 30:

**Table 7: Recorded firearm-related injuries, 2000–2004** (Source: MoH ICD-10 records)

Year		2000	2001	2002	2003	2004
Sex	Male	72	114	51	38	12
	Female	10	21	7	4	2
Total		82	135	58	42	14

According to MoH officials, however, it is unlikely that this data captures all such incidents. This is due to both inconsistent reporting and the victims' reluctance to have their injury recorded as firearm-related. In many cases, victims of firearm injuries do not want to involve the police, who are required to investigate all firearm injuries, and ask hospital staff not to record their injury as such.

In order to check the accuracy of MoH data, the research team conducted interviews with staff and collected statistics from the archives and surgical/traumatic journals of five hospitals. Two of the hospitals are in Tbilisi – the Republican and Gudushauri hospitals – and three are in the regions – Shida Kartli (Gori), Kvemo Kartli (Bolnisi), and Kakheti (Telavi). The information obtained demonstrates that firearm-related injuries are more prevalent than suggested by MoH data, and that the ratio of such injuries to other weapon-related injuries (eg caused by sharp implements and cutting blades) is relatively high.

Hospitals in Tbilisi treat a larger number of firearm casualties than hospitals in the rest of the country. The two hospitals visited treated an average of 73.5 such cases in 2005. As there are a total of 15 hospitals in Tbilisi of similar type to those visited, this would suggest that there were approximately 1,100 firearm-related injuries in Tbilisi in 2005. Outside of Tbilisi, there are five large regional hospitals, at Kutaisi, Batumi, Zugdidi, Telavi and Gori. On the basis of data collected at Telavi and Gori, it is estimated that each of the larger hospitals treated an average of 12.5 firearm injuries during 2005. This would provide a total of 63 such cases in the larger hospitals. The remaining 45 regional hospitals in Georgia are smaller in size. The research team visited only one hospital of this size, in Bolnisi. If this hospital were to be representative of other small regional hospitals, then such hospitals treated approximately 90 firearm-related injuries in 2005:

**Table 8: Recorded firearms injuries at Telavi, Bolnisi and Gori, 2001–2005**

(Source: hospital archives)

Hospital		Tbilisi, Republican	Tbilisi, Gudushauri	Telavi	Gori	Bolnisi	Total
Year	2001	–	–	8	11	8	27
	2002	–	30 <sup>87</sup>	16	27	4	47
	2003	–	23	11	16	4	31
	2004	85	36	4	59	3	66
	2005	70	39	11	14	2	27
Percentage of all weapons injuries		30–33%	41.8–69.7%	20%	25%	20%	–

While the hospitals in Tbilisi displayed different ratios of firearm-related injuries to other weapon-related injuries,<sup>88</sup> in general the ratio is higher in hospitals in Tbilisi than in regional hospitals. This is partly explained by the fact that many injured people travel to Tbilisi from the regions in the expectation of a higher quality of medical service. As a rule this occurs when the injury sustained is relatively minor or after the patient has already been provided with first aid at a regional hospital. In general, hospital staff found that the ratio of firearm-related injuries to other weapon-related

<sup>87</sup> In this year six cases resulted in death, while the results of five injuries are unclassified.

<sup>88</sup> Republican Hospital, 30–33 percent of all weapon-related injuries (2001–2005); Gudushauri Hospital, 41.8–69.7 percent (2002–2005).

injuries has remained constant. The one exception to this was at Gori Hospital in 2004, when there was a dramatic increase in firearm injuries as a result of the August conflict in South Ossetia, when firearms injuries were thought to represent 75 percent of all weapon-related injuries.<sup>89</sup>

According to the hospital staff interviewed, ‘almost all’ cases of firearm injuries were related to criminal activities and only a small number of cases result from disagreements, accidents or suicide. Hospital staff confirmed that both criminal and accidental victims of firearms are very seldom willing to report their injuries to the police. This is due to the perception that dealing with the police will be problematic, the attitude that it is ‘bad to inform’ on others, or as a result of shock. Hospital staff also thought that firearms present a continuous health threat to Georgian society. Nonetheless, they said that knives have an even bigger impact on Georgian society than firearms, since knife injuries were more frequent and could be just as serious as firearm injuries.

The frequency of firearms injuries in Georgia is demonstrated by the fact that almost all focus group participants knew of someone that had been injured by a firearm. The victims of these injuries are often children or family members:

*Once we were at my friend’s place to celebrate a birthday and suddenly his colleague arrived. The table was already set and the colleague was offended. He took out his gun and I ended up shot and wounded. Of course, this person had permission to carry a gun. However, despite this, he was unable to control himself.*

Focus Group E, Tbilisi, manager, female, 29

### Firearm-related mortality

No information on overall firearm-related mortality was available from either the MoH, which does not collect such statistics, or the MIA. Interviews with hospital staff have thus been used to gain an approximate picture. The manager of the reception department of the Republican hospital in Tbilisi said that 70 percent of all firearm-related injuries treated at the hospital were serious and between four and five percent result in death.<sup>90</sup> Similarly, a representative from Gori Hospital thought that 75 percent of firearm-related injuries treated there are serious and between three and four percent result in death.<sup>91</sup> If these hospitals are representative of the whole of Georgia, this entails that approximately four percent of all firearm injuries result in death. This would mean that in 2005 there were approximately 50 firearm-related deaths in Georgia.

### Firearm-related suicides

Statistics on firearm-related suicides are collected by the MoH in accordance with the WHO’s ICD-10. These statistics suggest a very low level of firearm-related suicides in Georgia, with a mean average of two suicides each year, peaking in 2003 with 12 cases. The vast majority of recorded firearm-related suicides are urban males over 30.

**Table 9: Recorded firearm-related suicides, 2000–2004** (Source: MoH ICD-10 records)

Year		2000	2001	2002	2003	2004
Sex	Male	2	1	2	11	2
	Female	–	–	–	1	–
Total		2	1	2	12	2

However, MoH officials admitted that hospital staff do not record firearm-related suicides consistently. It is therefore unclear whether these statistics truly reflect reality.

<sup>89</sup> Interview, Nukri Jokhadze.

<sup>90</sup> Interview, Zurab Shalamberidze.

<sup>91</sup> Interview, Nukri Jokhadze.

No additional statistical information on this matter was available in interviews with hospital staff, and it is the MIA which is responsible for certifying firearm-related deaths as suicides or homicides. Nevertheless, hospital interviewees were in agreement that firearm suicides are very rare and that most suicides were committed with sharp objects, such as knives.

### Box 12: Firearms use and misuse in Ajara

Since the capitulation of Aslan Abashidze's regime in the spring of 2004, security in the autonomous region has improved markedly and unemployment and other social problems are now thought to represent the main problem for the community. While Abashidze's strong grip on the region meant that the instability that afflicted Georgia in the mid-1990s did not have as strong an impact in Ajara, the local population still experienced a high level of insecurity. This was partly due to the perceived power of local organised criminal groups and the *vory v zakone* in particular. Up until Tbilisi re-established control over Ajara, the influence of *vory v zakone* in the society was quite high. The widespread feeling of insecurity has also been attributed to the large numbers of firearms that were distributed amongst the population by Abashidze's secret police.

Since the 'Batumi Revolution' in 2004, security amongst the region's population seems to have improved dramatically, especially regarding firearms misuse in the community. While improved security is partly due to national initiatives in this area, it was thought that the 2004 collection campaign was especially significant (see section 7.1). Improved security in Ajara is reflected in results from the household survey. For example, 70 percent of respondents from Ajara indicated that overall criminality had diminished over the preceding year. Organised crime has also decreased since the 'Batumi Revolution', but it is unclear how much of a threat remains. In total, 64 percent of respondents thought that organised crime levels were about the same as in the previous year. According to a local journalist, the *vory v zakone* ideology is still quite strong on the streets and people are still faced with the problem of which set of laws to abide by – '*the criminals' or the state's*'.

It seems that improved security has diminished the desire to own firearms. Only 26 percent of Ajara respondents to the household survey stated that if they would own a firearm legally if they could. This proportion is lower than in any other region of Georgia. Furthermore, only six percent of respondents stated that criminal use was one of the three main reasons for people to keep firearms. This is below the national average of 23 percent and much lower than in Samtskhe-Javakheti (42 percent), Samegrelo (51 percent) and Kakheti (39 percent). Perhaps the biggest indication of reduced firearms misuse is the reduction in celebratory gunfire in the post-Abashidze period – there were no recorded celebratory shootings during the 2006 New Year celebrations.

## 4.5 Societal impact

Small arms availability and misuse have had a significant impact on Georgian society since independence from the Soviet Union. Most notably, the use of small arms (amongst other weapons) in the conflicts in Abkhazia and South Ossetia and the civil war continue to have serious social repercussions for the country, including a large number of internally displaced persons, economic decline and social and ethnic tensions. The household survey and the focus group discussions demonstrate that, in spite of improvements in this area, a significant proportion of Georgians continue to believe that they live in an insecure environment. Yet, while economic instability and related factors were considered to be the greatest overall cause of insecurity and initiatives to tackle economic problems were identified as a key priority, further examination of responses suggest that Georgians are also concerned by the societal impact of

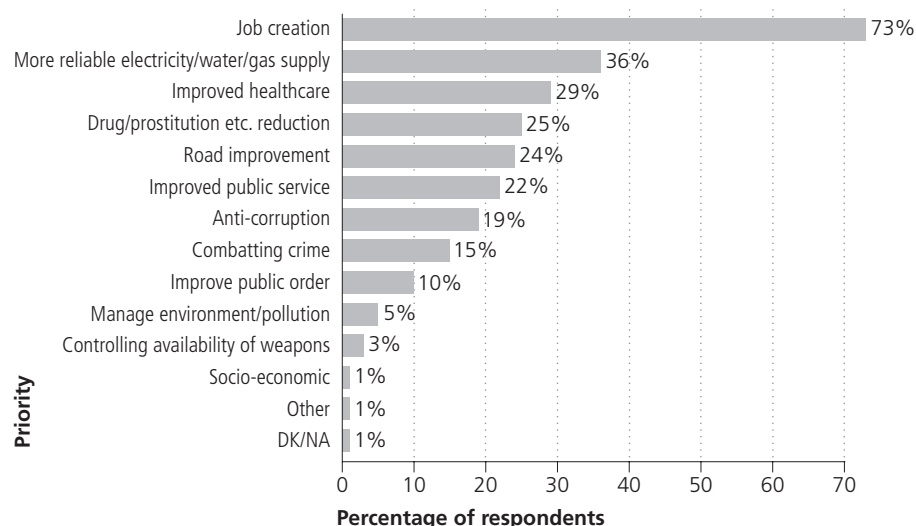
firearms ownership and misuse. While perceptions were tested on ‘abstract’ notions of economic insecurity, crime, etc., it should be noted that there is clearly interdependence between a sense of economic insecurity, perceptions of state weakness and firearms ownership and misuse. While this report explores these links, it does not seek to explain them in full.

Household survey respondents identified unemployment (58 percent of respondents) and economic uncertainty (23 percent of respondents) as the key drivers of insecurity,<sup>92</sup> rather than small arms proliferation (0 percent of respondents). In addition, only three percent of respondents cited control over the availability of weapons as the principal priority in their area of residence – in contrast to job creation (73 percent). Focus group participants and regional leaders interviewed by the research team also agreed that unemployment represented the most important issue in their community.<sup>93</sup> Indeed, as research in other countries has shown, criminality and the availability of weapons are very much perceived as an effect rather than a cause of economic and social insecurity:

*If the social situation does not improve, criminality will never reduce. Even the Police can't help this. On the contrary, criminality will increase until such time as people are able to work.*

Focus group K, Akhaltsikhe, unemployed, female

**Figure 14: In your opinion, what are the three main priorities of your city/region/district/village?** (Base No. = 1,300)



The prominence of economic issues in discussions on social priorities and security reflects a trend across Eastern Europe, where previous SALW Surveys in countries such as Serbia, Bulgaria and Moldova have most frequently cited economic insecurity as the main cause of insecurity (Serbia – 47 percent; Bulgaria – 33.9 percent; Moldova – 36.7 percent) and arms proliferation is not considered to be a major cause of insecurity (Serbia – 2.2 percent; Bulgaria – 0.7 percent; Moldova – 1.1 percent), irrespective of the actual availability and impact of weapons.<sup>94</sup>

While economic instability is seen as the main cause of insecurity in Georgia, the negative impact of firearms ownership and firearm-related crime is still widely recognised. When asked in more detail about the role of firearms ownership and misuse in society, survey respondents and focus group participants were able to identify a range of substantive impacts. For example, a larger proportion of survey

<sup>92</sup> 'What is the biggest cause of insecurity to you personally and your family?' (Base No. = 1,300)

<sup>93</sup> Interview, Natia Surguladze.

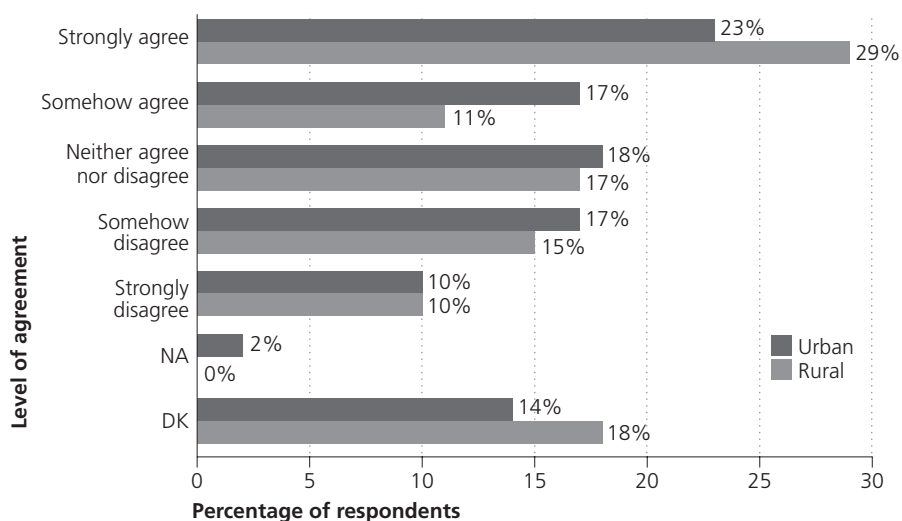
<sup>94</sup> Rynn S et al. *Taming the Arsenal – Small Arms and Light Weapons in Bulgaria*, (SEESAC, 2005); Taylor Z et al. *Living with the Legacy – SALW Survey of the Republic of Serbia*, (SEESAC, 2005); Op. Cit, Wood D et al. *SALW Survey of Moldova* (SEESAC, 2006).



respondents thought that the availability or use of firearms represented a major concern in their community (40 percent) than did not (26 percent).

**Figure 15: To what extent do you agree with the following statement: ‘availability or use of firearms is a major concern in the place I live?’**

(Base No. = 1,300)



A number of discrepancies from the general trend deserve comment. Firearms availability and use was more of a concern for non-ethnic Georgian citizens than ethnic Georgians, and the effect of firearms in the community is perceived to be slightly greater amongst rural respondents than urban respondents. In addition, a higher number of respondents from Samtskhe-Javakheti thought that their community was adversely affected by firearms ownership and use (54 percent) than in other regions. Since the level of recorded firearms crime in Samtskhe-Javakheti is lower than other areas of the country (only 16 incidents were recorded by the Police in 2005) this perception might reflect concerns over the closure of the Russian base at Akhalkalaki. It could also, however, be further indication that ethnic minorities do not trust the police and do not report firearm related incidents.

The household survey also indicated that firearms are often used to resolve inter-communal conflicts. In total, 21 percent of survey respondents said that it was ‘extremely common’ or ‘quite common’ for conflicts in their community to involve firearms.<sup>95</sup> Figures were even higher in Tbilisi (69 percent) and amongst rural respondents (38 percent). Indeed, 42 percent of respondents thought that firearms had ‘some negative’ or ‘negative’ impacts on inter-communal relations, compared to 24 percent who thought that firearms had ‘some positive’ or ‘positive’ impacts. Negative appreciation of the impacts of firearms on inter-communal relations was higher in Samtskhe-Javakheti (76 percent) and Ajara (66 percent), but lower in Kakheti, where 49 percent of respondents thought that firearms had a positive impact.

This caution towards firearms amongst a large proportion of the public is probably largely due to personal experiences of internal armed conflict since Georgia gained independence. This can be seen in the Ajaran public’s response to the confrontation between Batumi and Tbilisi in 2004. In the months leading up to May 2004, Abashidze’s administration distributed substantial numbers of firearms amongst his supporters and then destroyed the Choloki Bridge linking Ajara to the rest of Georgia (see **box 7**). This action led to the collapse of support for the Abashidze regime and intensified protests against it. Ultimately, ordinary people proved unwilling to engage in armed confrontations. Those interviewed commented that this was mostly due to a fear of a return to the armed hostility that had been prevalent in Georgia during the 1990s:

<sup>95</sup> ‘How common is it for conflicts in your community to involve firearms?’ (Base No. = 1,300)

*Nobody wanted to fight. Everyone still remembers the bad times, Georgians killing Georgians, and they didn't want it to happen again.*

Natia Surguladze, Vice Mayor of Batumi, 18 January 2006

## 4.6 Law enforcement

### Policing provision

In addition to the punishments outlined in section 3.6 for illegal firearms incidents (possession, sale etc), crimes involving firearms ('banditry') are punishable by five to 20 years imprisonment (Criminal Code, Article 224). General police efficiency and capacity to combat firearm misuse has improved substantially in the period 2003–2005:

**Table 10: Clear-up rate for all crime, 2004–2005** (Source: MIA)

Year	Total registered crimes	Cases cleared	Percentage cleared
2004	24,856	13,016	52.4%
2005	43,266	15,975	36.9%

While it may appear at first glance that police efficiency has reduced in the period 2004 to 2005, as the proportion of reported crime cleared by the police had reduced from 52.4 percent to 36.9 percent, the number of cleared cases has actually increased from 13,016 to 15,975. The fall in the proportion of overall crime that has been cleared probably reflects an improvement in police recording of crime (itself a result of greater trust in the police and hence a greater willingness to report crime to the police), rather than reduced police efficiency.

The clear-up rate for reported incidents of banditry (crime involving the use of a firearm) was close to the average for all types of crime in 2005 (38.2 percent clear-up rate). However, the clear up rate for the illegal firearms incidents was much higher, at 75.6 percent, although significantly lower than in the previous year. The higher clear-up rate for illegal firearms incidents can probably be attributed to the mode in which such incidents are reported. This usually involves the police themselves uncovering illegal owned or carried firearms, rather than such cases being reported to them by the general public:

**Table 11: Clear-up rate for banditry and illegal firearm incidents, 2005** (Source: MIA)

Type of crime	Total registered crimes	Cases cleared	Percentage cleared
<b>Banditry</b>			
2004	1,733	633	36.5%
2005	1,925	736	38.2%
<b>Illegal possession etc.</b>			
2004	1,238	1,126	91%
2005	1,242	939	75.6%

While the ability of the police to enforce the law in this area has improved, it is not clear what improvements have been made in crime prevention. Indeed, there does not at present appear to be any strategic analysis of the risk of firearm misuse or any resultant programme to combat it.

### Box 13: Police provision in the demilitarised zone

A number of interviews were conducted with police and government officials in the Zugdidi region of Samegrelo in order to assess police capacity to provide security in the demilitarised zone. While the region has suffered from high crime levels since the end of the armed conflicts in 1995, human security in the region has increased substantially following the Rose Revolution in 2003, despite the continued tense situation. It is thought that the improved security situation is in part due to the introduction of community based policing and joint fact finding missions.

Police provision in the demilitarised zone has also been aided by UNOMIG, which has maintained a Civilian Police (CIVPOL) mission in the Georgian section of the demilitarised zone since November 2003. CIVPOL is not involved with tackling weapons possession amongst the population, but provides monitoring, training and advice to the Georgian police, especially regarding the development of local community safety and crime prevention programmes.

**Community policing:** One regional and five district crime prevention committees have been established in Samegrelo following a CIVPOL initiative. These committees have been used to fight drug use in Senaki, Gobi and Zugdidi. Public-police relations have also been improved through the appointment of policemen as *uchastkovye* (residential beat policemen) to villages following their training in Tbilisi. At present there is one *uchastkovye* for every two to three villages, based in crime prevention committees.

According to the chief of Zugdidi police these activities, together with improved professionalism and lower levels of corruption, has already increased the public's trust in the police and that this has in turn led to higher co-operation between the police and the public. Representatives from CIVPOL have supported this sentiment, stating that public trust in the Patrol Police is presently at a high level.

**Joint fact finding missions:** In the event of politically related incidents on either side of the demilitarised zone, a joint fact finding mission is dispatched to conduct an investigation. Each mission is staffed by 8–10 permanent representatives, including two from the Abkhazian and two from the Georgian authorities, two from CIS PKF (Peace Keeping Forces) and two from CIVPOL. According to CIVPOL, co-operation within the framework of the joint fact finding missions is constantly improving, to the extent that the Abkhazian prosecutor asks more frequently for help from the mission in investigating incidents.

One potential way of further increasing trust and co-operation along the Gali-Zugdidi border would be the introduction of a UN CIVPOL office in Gali. According to the Chief of Zugdidi police, increased trust between the police forces in the region, would result in greater safety and lower levels of firearm possession amongst the local population.

### Trust in the police

Improved police performance is reflected in a higher level of trust in the police amongst the public. For example, 78 percent of household survey respondents would turn to the police first for protection if they or their family were threatened with violence. This compares well with similar research in the rest of Eastern Europe, where a smaller proportion of the national population would turn to the police first (eg Moldova – 54.1 percent; Bulgaria – 75.1 percent).<sup>96</sup> Focus group discussions indicated that increased trust is for the most part a result of the introduction of the Patrol Police and more people-orientated policing:

<sup>96</sup> Op. Cit. Wood D et al.; Op. Cit. Rynn S et al. 65 percent of respondents in Serbia answered 'police' to the slightly different question, 'Who do you consider most responsible for the security of you and your family'. Op. Cit. Taylor Z et al.

*People now believe that calling a patrol for assistance will bring results. Previously, calling the Police could result in trouble for the caller. You could even be arrested. Now fear of uniformed police officers has been removed with the introduction of the patrol system.*

**Focus group H, Zugdidi, unemployed, female, 49**

While this is the case, trust in the police has not increased universally across the whole of Georgia, partly because the benefit of the Patrol Police's activities was thought to be more limited in rural areas and city suburbs. For example, the percentage of respondents who would turn to the police first for assistance was significantly lower in Shida Kartli (65 percent said that they would turn to the police) and Guria (21 percent). In these two areas respondents were much more likely to feel a need to provide their own protection – Shida Kartli (33 percent) and Guria (59 percent). Most significantly, trust in the police was much lower amongst non-ethnic Georgian communities (see **box 14**). Some police officers interviewed, such as the Chief of the Kutaisi regional police, recognised that public lack of trust and a related reluctance to report crime is still a problem.<sup>97</sup> It was accepted that this lack of trust was understandable, given that in the past the Police used to take bribes and were not efficient in fighting crime. As a result, more could be done to improve police-public relations. Such methods include the mainstreaming of the community based policing approach that has been implemented in the Zugdidi region (see **box 13**).

### **Box 14: Trust in the police amongst minority groups**

While trust in the police has generally increased, it is higher among ethnic Georgians than non-ethnic Georgians, who were more likely to feel the need to provide their own security if threatened with violence (26 percent compared to 15 percent of ethnic Georgians). Some ethnic Azeri focus group participants even claimed that they had been threatened by the law-enforcement agencies themselves. Trust in the police is especially low for non-ethnic Georgians living in rural areas, such as Kvemo Kartli where the official state language is not as widespread. Low levels of trust in the Police amongst non-ethnic Georgians may in part result from the small number of ethnic minority police officers presently serving. The new police-training programme is conducted entirely in Georgian and the Patrol Police is having difficulty finding ethnic minority recruits (particularly Azeris) who know Georgian well enough to complete the training programme (Interview, Shota Utiaşvili).

### **General Prosecutor's Office and judiciary**

The General Prosecutor's Office is responsible for issuing government policy on criminal justice and for ensuring the progress of criminal proceedings for breaches of Georgia's Criminal Code. This responsibility includes ensuring prosecution of firearm-related crime. Since 2004 the capacity of the General Prosecutor's Office to record and track criminal proceedings (including cases related to firearms) has improved considerably. This is mostly due to improved procedures for collating information, thus minimising the possibilities for local prosecutors to 'massage' prosecution rates.<sup>98</sup> As a result the General Prosecutor's Office was able to provide information on criminal proceedings initiated for 'banditry' (crimes involving the use of firearms) and illegal firearms incidents.

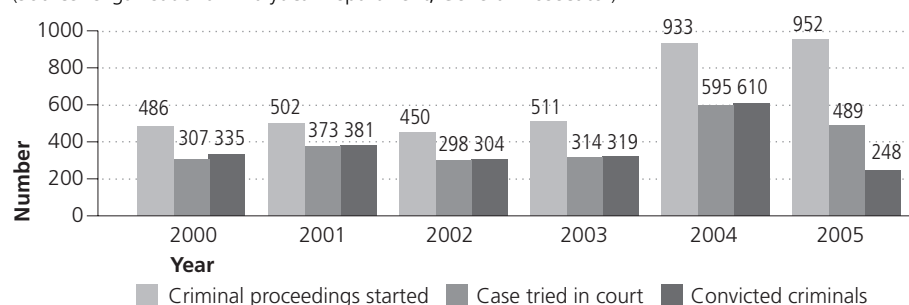
Information provided by the Organisational-Analytical Department of the General Prosecutor's Office shows that investigations into violations of Georgia's civilian small arms control system have resulted in the following criminal proceedings, court cases and prosecutions:

<sup>97</sup> Interview, Irakli Chimakadze.

<sup>98</sup> Interview, George Jokhadze.

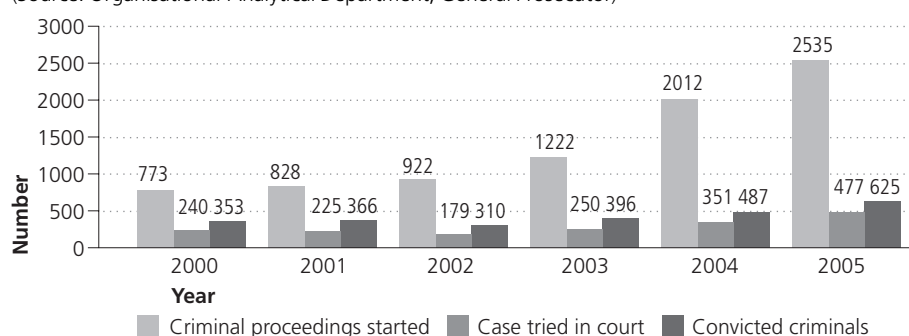
**Figure 16: Criminal proceedings for illegal firearms incidents (paragraph 236 of the Criminal Code)<sup>99</sup>**

(Source: Organisational-Analytical Department, General Prosecutor)



**Figure 17: Criminal proceedings for banditry (paragraph 179 of the Criminal Code)<sup>100</sup>**

(Source: Organisational-Analytical Department, General Prosecutor)



According to the Head of the Organisational-Analytical Department of the General Prosecutor's Office, statistics on prosecutions were not well kept prior to 2004. As a result, it is impossible to judge the accuracy of these statistics or to use them as the basis for assessing the capacity of the judiciary to ensure correct punishments for firearm-related crime. Consequently, while the number of recorded criminal proceedings has risen faster than the number of convictions in 2004 and 2005, this probably does not indicate decreased efficiency on the part of law-enforcement services, so much as a more comprehensive method of recording criminal proceedings.

In 2005, only 50 percent of criminal proceedings for illegal firearms incidents resulted in a court case (489 court cases out of 952 criminal proceedings, figure 16). The rate of incidents brought to court is even lower if recorded firearm crime is taken into account. The MIA recorded 1,242 such incidents in 2005. If it is assumed that all such cases are processed in the same year as they are recorded (eg cases occurring in 2005 are processed in 2005), 39 percent of all recorded incidents in 2005 resulted in criminal case being brought to court (489 out of 1,242 recorded incidents). In addition, only 20 percent of criminal proceedings regarding banditry resulted in a court case in 2005 (477 court cases out of 2,535 criminal proceedings). Indeed, household survey respondents and key informant interviewees were on the whole very sceptical about the ability of the justice system to prosecute crime. The low conviction rates for criminal proceedings related to the misuse of firearms are a potential cause for concern and deserve further investigation.

<sup>99</sup> The illegal purchasing, possession, transfer and marketing of firearms.

<sup>100</sup> Crimes involving the use of firearms (eg robbery, carjacking).

## Small arms production and trade

**ALTHOUGH IN THE PAST** Georgia attempted to manufacture military weapons, at present SALW production appears to be limited to the manufacture of components for sports and hunting weapons. The domestic arms trade is also relatively small and the number of licensed gun shops has reduced from 56 in 2003 to 20 in 2005. While this is the case, the number of firearms imported to Georgia every year by gun shops fluctuates dramatically. As a result it is not clear how many firearms are presently being traded on the internal market.

For the most part, Georgia's legislative and regulatory framework controlling the production and trade of SALW is adequate to present needs. The one major weakness is the low capacity of the MoJ to inspect licensed SALW traders and production facilities on a six-monthly basis, as allowed by law. This low capacity could become more problematic if Georgia ever develops a substantial manufacturing base. In addition, agencies with a small arms control role do not have access to information on the domestic small arms trade. For example, the Permissions Department cannot inspect gun shops' weapon inventories. Poor access to information on the domestic small arms trade could consequently undermine small arms control in other areas.

### 5.1 Legislation and regulation

The principal laws governing the trade and production of SALW in Georgia are:

- The 'Law on Arms' (8 May 2003), which regulates the production and certification of firearms and military weapons and the trade in firearms
- The 'Law on the Fundamentals of the Issuance of Licences and Permits for Entrepreneurial Activities' (13 May 2002), which regulates the licensing of production, repair and trade in arms and dual-use goods
- Presidential Decree N582 (1997), which defines technical documentation procedures for the production of military goods
- The Criminal Code specifies penalties for violations of Georgia's small arms control legislation.

### Licensing of production

The 2003 'Law on Arms' stipulates that the production of firearms, their parts and ammunition is licensed by the MoJ. According to this law, a potential producer needs to present the following documents in order to secure a production licence:

- A certificate of registration as a legal entity or individual entrepreneur
- Names of founders
- A list of staff members
- A document certifying the presence of the appropriate technical safety measures
- A document certifying the payment of a licence fee
- A certificate to the effect that the applicant does not have a criminal conviction and is not registered as a drug addict or mentally ill.

Manufacturers are also responsible for maintaining accurate records of all manufactured goods.

### Marking

The 2002 'Law on the Fundamentals of the Issuance of Licences and Permits for Entrepreneurial Activities' stipulates that all weapons manufactured in Georgia must be certified. The manufacturer is obliged to test and mark firearms, parts and ammunition on production.

### Licensing of the domestic arms trade

Georgia's domestic weapons market is also regulated by the 'Law on Arms' (Articles 17 and 18). The law stipulates that legal entities wishing to trade in arms have to receive a licence from the MoJ. The documents and requirements necessary to receive a licence to trade in arms are identical to those required for a licence to manufacture arms (see above). In addition, according to Georgia's 2005 submission to the United Nations Department for Disarmament Affairs (UN DDA), individuals and companies trading in weapons and ammunition are obliged to:<sup>101</sup>

- Hold certificates for the types of firearms being traded
- Provide adequate record keeping of traded goods
- Trade only with properly authorised persons and companies
- Trade firearms with their registration number and document proving compliance with state standards
- Provide secure storage of weapons and ammunition
- Present projectile/case samples from traded weapons to the relevant state agency
- Provide a monthly report on traded goods and customers to relevant agencies.

### Storage conditions

The 'Law on Firearms' stipulates that arms manufacturers and dealers have to provide adequate storage facilities for firearms under their possession and are required to submit certificates to the MoJ confirming that their premises comply with safety standards.

### Verification and inspection

The Head of the MoJ's Registration and Licence Department has stated that the MoJ has the right to inspect licensed SALW traders/production facilities twice a year and can close a shop if does not correspond to the required safety standards.<sup>102</sup> However, it should be noted that the Permissions Department does not have the authority to

<sup>101</sup> Georgia's 2005 submission to the UNDDA on the UN PoA. It is not clear whether these obligations are stipulated in law.

<sup>102</sup> Interview, Giorgi Gogiberidze.

inspect a gun shop's inventory or purchase and import records, as Customs declarations are considered to be commercial secrets.<sup>103</sup>

### Industry outreach

There are currently no regular mechanisms for disseminating information to domestic arms traders on changes to the licensing system. Some gun shop owners interviewed by the research team stated that they had never received instructions from the MIA, while others said that this had happened only 'in rare cases', such as with the introduction of the ban on shotguns and bird hunting. In the absence of instructions from the MIA, shops have had to rely on other sources, such as the mass media, the Internet, acquaintances, or the parliamentary publication *Legislative News*.<sup>104</sup>

## 5.2 Manufacturing capacity

According to the MIA, no firearms or components are presently produced in Georgia.<sup>105</sup> Post-Soviet attempts to produce military SALW in Georgia have been unsuccessful. Prior to 1999, 15 different items underwent prototype production at the MoD supervised enterprise *Delta*, including grenade and mine launchers, detonators and anti-tank grenades.<sup>106</sup> According to the then director of *Delta*, in 1999 the enterprise was in the process of designing a Georgian submachine gun ('*Gorda*') and a pistol ('*Armazi*').<sup>107</sup> It is also claimed that the enterprise produced a number of 82mm grenade launchers for the Georgian army.<sup>108</sup> As far as is known, *Delta* no longer produces SALW but is now employed to destroy MoD surplus SALW. According to a previous study, production of military weaponry was also attempted at the Georgian research centres *Orbi* and *Skhivi*.<sup>109</sup> Again, no known production presently takes place at these facilities. While there does not appear to be any military production of weapons at the present time, export statistics indicate that Georgian manufactures might be subcontracted to Italian sports/hunting gun manufacturers. For example, in 2004, US\$170,763 of parts and accessories for sports/hunting shotguns and rifles were exported to Italy, while only US\$46,335 was imported (in 2003, US\$178,886 worth was exported and only US\$6,048 imported).<sup>110</sup>

## 5.3 The internal market

While it was possible to possess firearms in Soviet times, the number and type of firearms available was limited, and there were no gun shops.<sup>111</sup> The number of licensed gun shops increased substantially in the post-Soviet period, peaking at 56 in 2003, but has since reduced:

**Table 12: Licensed gun shops** (Source: MoJ)

Year	1999	2000	2001	2002	2003	2004	2005
Trade licences	5	3	–	11	40	42	20
Gun shops <sup>112</sup>	30	3	–	27	56	44	20

<sup>103</sup> Interview, Zaza Khachidze.

<sup>104</sup> Interviews with gun shop managers.

<sup>105</sup> Interview, Shota Utiaşvili.

<sup>106</sup> *Army and Society in Georgia*, April 1999.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Op. Cit. Darchiaşvili D.

<sup>110</sup> Source: NISAT arms transfers database.

<sup>111</sup> Interview, Zaza Khachidze.

<sup>112</sup> Several gun shops can be included on one licence.



MoJ statistics indicate that a total of 95,993 firearms have been imported by gun shops since 1999. It is unclear, however, how many of these firearms have consequently been re-exported (see section 8.2). As a result, it is not certain how many firearms are presently being traded on the internal civilian market.

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## **5.4 Law enforcement**

According to Article 236 of the Georgian Criminal Code, the illegal production, transfer, transportation or sale of firearms and ammunition can be punished by five to ten years' imprisonment.<sup>113</sup> While general figures were available for the illegal purchasing, possession, transfer and marketing of firearms (2004, 1,238 incidents; 2005, 1,242 incidents – see section 3.5), no detailed breakdown of this criminal category was available. As a result, it is not clear how many of these incidents specifically refer to the illegal production or sale of weapons.

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## **5.5 Administrative capacity**

The MoJ is responsible for issuing licences for entrepreneurial activities, and as such licences both SALW production facilities and SALW traders. While the MoJ has the right to check once or twice a year whether licensed gun shops/production facilities are compliant with the relevant legislation, it does not yet do so. This is partly because the present law does not indicate which department of the MoJ is responsible for inspecting storage conditions.<sup>114</sup> Furthermore, the MoJ claims not to have sufficient employees to conduct inspections of gun shops and production facilities.<sup>115</sup> As a result, although the law establishes certain storage standards for gun shops, and the MoJ can close down shops that do not uphold these standards, it is currently not possible to ensure these standards are maintained. The MoJ stated that it intends to establish a special group tasked with checking gun shop and production facilities in 2006, but it is unclear whether this has yet taken place.

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<sup>113</sup> 2005 report to the UNDDA regarding implementation of the UNPoA.

<sup>114</sup> Interview, Zaza Khachidze.

<sup>115</sup> Interview, Giorgi Gogiberidze.

## State small arms management

**THIS SURVEY ESTIMATES** that at the present time Georgia maintains between 76,000 and 91,000 state-held SALW, excluding those under the control of the Russian forces in Georgia. In the past state stockpile management has been patchy, regarding both Georgian Government stocks and those of the forces of the Russian federation based on Georgian territory. While it is unclear how significant thefts from army stocks have been, partly due to a lack of access to the Government's list of lost and stolen weapons, policy and practice in this area is improving and should continue to do so. The space for change is provided by the planned closure of the remaining Russian military bases by the beginning of 2008 and the ongoing adoption of more advanced needs identification and stockpile and inventory practices by the Georgian MoD as part of its IPAP implementation programme. As a result, according to the MoD, planning for the type and quantity of SALW required by the Georgian military is now based on projected military needs as defined by a threat analysis.<sup>116</sup> Georgia's basic military planning is outlined in the National Security Strategy (NSS) and the National Military Strategy (NMS), which were adopted in November 2005.

In addition, the MoD and armed forces have done much to reign in the semi-autonomous military factions that were prevalent in the 1990s and bring fuller control over military SALW use. The Border Police has been de-militarised and subordinated to the MIA, while the Internal Troops have been moved to the MoD. For their part, the National Guard has been brought under the full control of the MoD as a voluntary reservist force. These changes have resulted in a reduction in the number of military forces tasked with ensuring security and defence under the Georgian Constitution. As a result, possibly for the first time in its post-Soviet independence, the Georgian armed forces are unified and well controlled.

While this is the case, there is still some reticence on the part of the Georgian MoD regarding state SALW holdings, the present state of stockpile maintenance and security and related weaknesses that still need to be dealt with. Indeed, previous offers of assistance from the international community to enhance stockpile security have not been taken up, due to a lack of willingness on the part of the MoD to allow for inspection of military stockpiles.<sup>117</sup> Until such inspections by international experts can be undertaken it will remain unclear what needs exist in this area. In addition, Georgia is presently engaging in significant military procurement, which should increase the

<sup>116</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

<sup>117</sup> Anonymous interviewee E, Western diplomatic staff.

number and type of SALW at its disposal. Without full access to information on present SALW holdings, as well as projected needs according to the NSS and NMS, it is not possible to assess Georgia's state procurement needs and to what extent ongoing military imports are essential.<sup>118</sup> Finally, there are concerns over the excessive use of force and firearms by MoJ and MIA staff. While much has been done to improve police training in the use of firearms as well as to eradicate ill-treatment of suspects and prisoners,<sup>119</sup> much still needs to be done to ensure that humane models of policing and the graduated use of force are consistently applied across all state agencies.

## 6.1 State small arms holdings

Transparency regarding state owned SALW is low in Georgia. No state agencies that maintain SALW provided the research team with information on the numbers or types of weapons in their possession. In general, such information was regarded as a 'state secret'. Low levels of transparency regarding state SALW holdings are not unusual, particularly in transition countries and those that have experienced a recent conflict. Indeed, many former Soviet states exhibit a similar approach to the provision of information in this area. Consequently, whilst every effort has been made to obtain official figures for the SALW holdings of all relevant agencies, the lack of information has made it necessary to estimate state SALW holdings. On the basis of available information it is estimated that Georgian state agencies presently maintain between 76,000 and 91,000 SALW. The estimate of SALW holdings for each agency is provided in the table below.

**Table 13: Georgian state SALW holdings**

Force	Personnel <sup>120</sup>	Estimated armed personnel	Estimated quantity of SALW
<b>Armed Forces</b>			
Active Service	26,025	25,225	45,405–60,540
National Guard	6,300 <sup>121</sup>	6,300	As above
<b>Ministry of internal Affairs</b>			
of which			
– Police Force	20,959	18,654	18,654
– Border Police	5,868	5,223	5,223
<b>Ministry of Justice</b>			
of which			
– Court Guard	190	169	169
– Prison Guard	2,788	2,481	2,481
<b>State Protection Service</b>	3,420	3,044	3,044
<b>Financial Police</b>	650	325	325
<b>Customs Department</b>	1,172	586	586
<b>Total</b>	<b>67,372</b>	<b>62,007</b>	<b>76,000–91,000</b> <b>(75,887–91,022)</b>

### Armed Forces (including National Guard)

No official information was available on the number or type of SALW held by the Georgian Armed Forces. According to sources available, the Georgian military is equipped almost exclusively with Soviet type SALW, inherited from the Soviet Army,

<sup>118</sup> Even if information on state SALW holdings and needs were available, it would not be possible to conduct such an assessment at the present time due to the lack of information on sanctioned state imports (see section 8.2).

<sup>119</sup> Amnesty International Media Briefing, *Georgia: Torture and ill-treatment still a concern after the "Rose Revolution"*, <<http://web.amnesty.org/library/Index/ENGUR560012006?open&of=ENG-GEO>>, accessed 20 June 2006.

<sup>120</sup> Law on Georgian State Budget 2006; National Guard figure from US Office of Defence Co-operation; Border Police figure from Interview, Kakha Khandolishvili.

<sup>121</sup> Number corresponds to unpaid volunteer reservists in 2006. Will increase to 7,000 men (20 battalions) when supplementary funds become available. National Guard also maintains a list of 40,000–50,000 ex-servicemen who form a 'ready reserve'.

bought from other countries' Soviet-era stockpiles (eg Uzbekistan) or imported from producing countries (eg Romania). Only a small number of non-Soviet type weaponry has been imported into Georgia. Most significantly, this has included the import of an undisclosed number of 'Tavor' assault rifles from Israel in 2004. It is unclear whether the Georgian military has received any NATO weaponry, either from the US as part of US military assistance, or during Georgia's participation in peace-keeping operations. Known weapon types include:<sup>122</sup>

- AT-4 *Spigot*, Anti-Tank Guided Missile (Soviet Union)
- AT-5 *Spandrel*, Anti-Tank Guided Missile (Soviet Union)
- SPG-9 73mm, Recoilless Rifle (Soviet Union)
- 23/37mm light anti-aircraft gun (Soviet Union)
- 50/60/82mm mortars (Soviet Union)
- *Strela* and *Igla* MANPAD (Soviet Union)
- RPG-7/SPG-6/PG-25, Grenade launcher (Soviet Union)
- RPG-18/RPG-22/RPG-26, Rocket launcher (Soviet Union)
- MO-251 rocket rifles (Soviet Union)
- 9mm CZ-Z, Pistol (Czech Republic)
- 9mm SIG *Sauer*, Pistol (Germany)
- 7.62mm *Tokarev*, Pistol (Soviet Union)
- 9mm *Makarov*, Pistol (Soviet Union)
- 7.62/5.45mm AK-74/AKS-74/AKM/AKMN/AKMS/AKMSN, Assault Rifle (Soviet Union, Russia, Czech Republic, Romania, Ukraine, Uzbekistan, Lithuania, Poland)
- 5.56 *Tavor* assault rifles (Israel)
- 7.62mm sniper rifles (Soviet Union)
- 5.45mm AKSU-74, Machine Gun (Soviet Union)
- 5.45mm RPK/RPK-74/RPK-74N/PK/PKM/SGIT/SGMB/PKT, Light Machine Gun (Soviet Union)
- 7.62mm PKS, Medium Machine Gun (Soviet Union)
- 12.7mm/14.5mm/20mm DshK/NSV/KPVT, Heavy Machine Gun (Soviet Union).

According to the Georgian MoD, following the adoption of the NSS and NMS, Georgia has also adopted a western-standard Table of Organisation and Equipment (ToE), which defines the number of personnel and quantity of equipment needed by each type of unit. As a result, the ratio of weapons per individual in the Georgian military should conform to NATO standards. While no NATO guidelines exist on this issue, in general most NATO militaries maintain between 1.8 and 2.4 weapons per individual (covers rifles, personal protection weapons and crew served weapons).<sup>123</sup> According to the Georgian military budget for 2005, the Armed Forces presently maintain 26,025 personnel (including 800 civilians). This would entail that the Georgian military presently maintains between some 45,400 and 60,500 units of SALW. It is not clear whether separate weaponry is kept for the National Guard, an unpaid volunteer force of 6,300 (18 battalions of 350 men) that was incorporated into the MoD in 2002. While each volunteer receives a weapon during training, these weapons are taken from the central MoD stock, and it is probable that they comprise part of the military's general pool of weaponry.<sup>124</sup>

It is also not clear whether the number and types of weapons at the Georgian military's disposal will change significantly in the next couple of years. The Georgian Armed Forces are presently operating under three competing demands – territorial integrity and the re-integration of the separatist areas, maintenance of peace support operations and ongoing reforms necessary in order to qualify for NATO. Due to these demands, the Georgian military is in the process of procuring more weaponry and military expenditure is increasing at a greater rate in Georgia than in any other country (see section 8.2). Some SALW procurement is necessary in order to meet

<sup>122</sup> This list was compiled on the basis of a range of key informant interviews, known imports and past studies.

<sup>123</sup> Correspondence with the Joint Arms Control Implementation Group (JACIG) of the UK armed forces.

<sup>124</sup> Anonymous Interviewee D, international military adviser.

Georgia's peace keeping support commitments and to ensure that Georgian weaponry conforms with NATO specifications. However, the number of armed personnel or SALW necessary for state agencies to perform their responsibilities is not clear, in the absence of a comprehensive and publicly available threat assessment. Indeed, it is important that the Georgian Government responds to EU, US and NATO initiatives to ensure appropriate military staffing.<sup>125</sup>

A case in point is provided by the ongoing debate over the size of the National Guard. While the National Guard has not as yet been allocated an exact mission statement, its basic role is to provide a military reserve, defend strategic objectives ('infrastructure protection') and general assistance during national emergencies. However, due to the absence of a clear mission statement and legislation governing the National Guard,<sup>126</sup> it is not clear what size reserve is needed. As a result, political statements continue to be made about the future size of the National Guard. These statements have included claims that the force will eventually comprise 20,000 or 40,000 reservists.<sup>127</sup> According to international observers, this level of personnel is not needed.<sup>128</sup> There has also been some debate about the role of the National Guard. The previous Head of the National Guard (and former Commander of the Internal Troops) endeavoured to convert the Guard into a potent attacking force that reported directly to the President. Under pressure from the international community and the MoD, worried about the negative side effects of creating a second parallel military, a civilian was appointed as director of the National Guard until November 2006. While this move has underlined Georgia's commitment to ensuring that the National Guard's role is restricted to infrastructure protection and national emergency assistance, until the role and size of the National Guard is confirmed by legislation, there exists the possibility for it to expand unduly or to fulfil full military tasks.

### Ministry of Internal Affairs

Substantial reforms of the MIA have dramatically altered the number and type of SALW available to it. Reforms have included the transfer of the Border Police to the MIA, the transfer of the Interior troops to the Georgian Armed Forces under the MoD, reductions in the number of Special Forces and the MIA's merger with the Security Ministry. Importantly, these changes mean that the MIA no longer has a significant military role.

The research team was not able to obtain figures for the number or type of SALW held by the MIA, for reasons of secrecy. However, the types of weapons used by the MIA's various police forces are known to include *Makarov* pistols; CZ-Z pistols, Israeli-made pistols and AK assault rifles and sniper rifles. It is possible to estimate MIA SALW stocks from personnel numbers. According to the 2006 Georgian state budget, there are presently 26,827 people employed by the MIA. Of this number, 20,959 work in the police departments while 5,868 are employed by Border Police. Since the change in the MIA's role to concentrate on policing rather than military tasks, it is not thought that the MIA presently maintains any surplus weapons or stockpiles. It is consequently probably the case that the number of SALW held by the agency is roughly equivalent to the number of personnel with access to weaponry. According to the Head of the Border Police's International and Legal Affairs, 89 percent of border guards provide guarding functions and should consequently have access to weaponry.<sup>129</sup> It is probable that this percentage holds true for the whole of the MIA. For example, according to the

<sup>125</sup> For example, the *EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition* states that the EU shall – 'Promote a commitment by all countries to import and retain small arms to meet their legitimate security needs, at a level appropriate for their legitimate needs for self-defence and security, including to ensure their ability to participate in United Nations Peacekeeping Operations.' Available at, <<http://register.consilium.eu.int/pdf/en/06/st05/st05319.en06.pdf>>.

<sup>126</sup> The Defence and Security Committee is presently reviewing the introduction of such legislation,

<sup>127</sup> Anonymous Interviewee D, international military adviser.

<sup>128</sup> Ibid.

<sup>129</sup> Interview, Kakha Khandolishvili.

Head of the MIAs Information Department, most employees take up their right to use firearms.<sup>130</sup> Consequently, this would suggest that the MIA hold some 23,900 SALW.

### **The Ministry of Justice**

The MoJ maintains a small amount of firearms for use by the 190 personnel that guard Georgia's courts and the 2,788 personnel that guard the country's prisons. No official information was available on the number of weapons held by these. However, similar to the MIA, it is unlikely that the MoJ maintains any surplus weapons or stockpiles. If, similar to the MIA, 89 percent of these guards are assumed to have access to weaponry, this would entail that the MoJ presently maintains some 2,500 SALW.

### **Special State Guard Service**

The Special State Guard Service is an independent state agency that provides physical protection (static guards) to both government infrastructure and private companies on a contractual basis. For example, the Special State Guard Service has contracts to guard foreign missions, as well as the Baku-Supsa oil pipeline. The Service also provides close-protection (bodyguards) to the President and other important officials. Although it is thought that the Service is armed entirely with SALW, it is not clear what these weapons are. However, if we assume a 1:1 ratio for weapon holdings to active guards and that 89 percent of the Special State Guard Service's personnel is comprised of active guards, the Special State Guard Service would presently control approximately 3,050 SALW (total personnel, 3,420).

### **Other agencies**

The Customs Department and Financial Police also maintain a number of armed personnel. Unfortunately, public information was not available on either the number of SALW maintained by these agencies or the number of personnel with access to weaponry. As a result it has been more difficult to estimate number of SALW stockpiles in these cases. Broadly, it could be assumed that 50 percent of staff at these two agencies have access to weaponry and that there is a 1:1 ratio for weapon holdings to such personnel. If this is the case, then the Customs Department would maintain some 600 SALW (total personnel, 1,172) while the Financial Police has access to approximately 300 SALW (total personnel, 650).

## **6.2 Stockpile security**

### **6.2.1 Ministry of Defence**

In the early 1990s the nascent Georgian army was given control of more than 30 former Soviet storage facilities in Georgia. The storage and security standards at these bases were for the most part poor, providing an easy target for theft as well as a substantial threat to the population (see section 3.4).<sup>131</sup> The MoD has recognised that in the past it had too many stockpiles spread-out in the country and that it has consequently been difficult to maintain credible stockpile security. As result, a process is under way to reduce and upgrade the number of stockpiles holding SALW and other armaments, as well as centralise inventory control. As a result, the following actions have been taken in the period 2003 to 2006:<sup>132</sup>

- The number of central armaments/ammunition depots has been reduced. As a result the following depots have been closed during this period:

<sup>130</sup> Interview, Shota Utiashvili.

<sup>131</sup> For example, a warehouse at one of Georgia's military bases exploded in 1996, resulting in the evacuation of 'tens of thousands of people' for a week. Source: Baker P, 'A Former Superpower's Hazardous Legacy: Experts Cite Risks of Aging and Unsecured Arms Caches in Ex-Soviet Republics', *Washington Post*, 26 May 2004.

<sup>132</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

- Skhvilisi depot for engineering materials
- Klde depot for armaments, military hardware and ammunition
- Kopitnari depots for artillery and aviation ammunition
- Dedoplistsqaro depot for armaments, military hardware and ammunition
- Acharis Tsqali (Ajara) depot for artillery ammunition
- Tbilisi depot for armaments and ammunition, which formerly belonged to the interior troops
- Depot No. 7 for aviation armaments and military equipment in Tbilisi.
- Demilitarisation arms-disposal plants were built in Dedoplistsqaro and Ponichala to accumulate non-functional, obsolete, and excess ammunition awaiting further disposal
- SALW are in the process of being relocated from the old storage facilities of the Central Army Depot to the newly reconstructed storage facilities near the Tank Factory in Vaziani
- Outdated and non-functional SALW have been completely removed from military units and stored in the Central Army Depot.

While this is the case, little information was available on outstanding weaknesses regarding stockpile security and maintenance. Indeed, Georgia's Deputy Foreign Minister admitted to the research team that Georgia still experiences substantial problems securing its stockpiles, in terms of both equipment and guard facilities.<sup>133</sup>

### Recording and inventory

The first inventory of MoD stocks probably took place in 1993, following the Abkhaz and South Ossetian wars and upon a Ministerial Order.<sup>134</sup> The MoD conducts a twice-yearly inventory of SALW, according to which each firearm is allocated two registration numbers.<sup>135</sup> According to the Head of the MoD's logistics department, management of ammunition stocks is less rigorous, with the amount of ammunition simply being 'noted'.<sup>136</sup>

According to the MoD the introduction of a ToE in line with western standards has made implementing a comprehensive accounting and control system easier and that, *'There are no doubts today that all armaments and ammunition of every military unit or army depot have been accounted for and are under stringent control. Central logistical services are carrying out parallel accounting and control.'*<sup>137</sup>

However, according to a number of experts, the types and amounts of weapons in the MoD's possession are not comprehensively recorded, and significant cases of thefts of weapons have gone unrecorded in recent years. As stated by one interviewee – *'Stockpile management and security in the Armed Forces is not so great, but also not so bad.'*<sup>138</sup> In the near future however, Georgia's national inventory system for arms and ammunition should be augmented by the completion of an automatic computerised accounting system.<sup>139</sup>

### Surplus identification

As part of the Georgian system of stockpile management, periodic reviews of stocks should be undertaken in order to manage the elimination of obsolete and surplus SALW. All surplus equipment, including SALW, which is not needed according to the

<sup>133</sup> Interview, Giorgi Manjganadze.

<sup>134</sup> Interview, Lt. Col. Khvadagiani.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

<sup>138</sup> Interview, Kakha Katsitadze.

<sup>139</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

ToE should be collected by the Logistics Department and stored in the newly constructed depots. This process is already underway, as the MoD is presently conducting an inventory of all arms under its control. An *ad hoc* commission of 25 persons has been established to conduct the inventory, which is expected to be completed by the summer of 2006. The findings of the inventory will be used to identify the total number and type of stocks presently maintained by the MoD, as well as surpluses that need to be destroyed. It is claimed by the MoD that the reduction of the number of central arms and ammunition depots have aided the process of identifying non-functional armaments and munitions in the decommissioned arms depots.<sup>140</sup>

### 6.2.2 Ministry of Internal Affairs

Each Patrol Police station maintains a stockpile of weapons, including automatic weapons. According to the MIA, only a small number of MIA police weapons are lost or stolen each year. For example, in 2005 there was only one case, in which a patrol policeman's firearm was stolen, while there were two cases in which a firearm was lost.<sup>141</sup> Those responsible for lost or stolen firearms are fined and can be imprisoned for up to two years. Although individual firearms have been lost or stolen, there have been no recorded thefts from stockpiles.<sup>142</sup>

### 6.2.3 Russian bases

As well as the peacekeeping forces in South Ossetia and Abkhazia, Russia still maintains two military bases in Georgian government-controlled territory, in Batumi (Ajara) and Akhalkalaki (Samtskhe-Javakheti). As noted elsewhere, stockpile security at Russian bases has in the past been patchy and still causes concern amongst the Georgian population (see section 3.4).

On May 30 2005, Russia committed itself to closing its remaining Russian bases in Georgia by 2008. The Russian base at Akhalkalaki is due to close by 1 October 2007, while the remaining base at Batumi will close by the end of 2007.<sup>143</sup> Given the patchy history of stockpile security at Russia's military bases in the Caucasus it is important that the withdrawals are well planned and supervised in order to limit the possibility of weapon thefts. The closures could also provide the local staff with the opportunity to 'adjust' the bases weapon registers, to allow for some weapons to go missing.<sup>144</sup> It is not thought, however, that such practices present much of a threat and may, at most, lead to the theft of small amounts of ammunition.<sup>145</sup>

It is expected that most of the remaining useful weaponry will either be withdrawn to Russia or to the Russian base in Gyumri, Armenia.<sup>146</sup> However, it is still not clear exactly what kind of assistance will be needed in order to ensure safe removal of the remaining Russian weaponry. This could include post-withdrawal clean-up of the remaining sites and international verification, both in Georgia and in Russia, of the withdrawn goods, with payments made for the cost of transportation. Nevertheless, it will be expensive either to transport or destroy many of the remaining weapons. As a result, the OSCE Mission to Georgia has established an OSCE Voluntary Fund to support the withdrawal of the Russian bases. At the end of 2005, the Fund amounted to US\$805,950.

<sup>140</sup> Ibid.

<sup>141</sup> Interview, Shota Utiazhvili.

<sup>142</sup> Ibid.

<sup>143</sup> This process has been facilitated by the 30 June 2004 amendment to the 'Law of Georgia on Export (and Import) Control of Arms, Military Equipment and Dual-Use Goods', which cancelled the fee for import, export, re-export or transit of weapons and ammunition if conducted by state agencies or the Russian Federation armed forces in Georgia.

<sup>144</sup> OSCE Mission to Georgia.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.



## 6.3 Use of state held firearms

### Ministry of Internal Affairs, police employees

All MIA employees, including civilian employees, have the right to carry a weapon. However, the carriage of personally registered weapons by MIA personnel is prohibited. Fully trained policemen, who have been working at least six months, can carry automatic weapons without any separate permission being needed. While automatic weapons are mainly used during special operations, pistols are used when patrolling. However, Patrol Police do on occasion patrol with automatic weapons. For example, according to the Head of the Patrol Police in Zugdidi, in 2005 the Patrol Police only once chose to carry automatic weapons on patrol.<sup>147</sup>

The police have the right to carry weapons while on duty, but they must return them to the storage facility at the police station at the end of each shift. While this is the case, officers do have the right to carry their weapons home, if there is emergency. In addition, according to the Head of Zugdidi police, some police officers are allowed to carry their weapons for 24 hours.<sup>148</sup>

According to Ministry guidelines, there are 14 scenarios in which an officer is allowed to use his weapon.<sup>149</sup> In nine of these scenarios the officer is obliged to fire a warning shot before firing at a human target. In the remaining five cases the police officer is permitted to shoot on sight. A firearm-training course for police officers was introduced by the Police Academy in 2005. In order to be issued with firearms, police officers need to pass this course. Previously, all officers were automatically issued with a firearm after a three-month probation period. In addition the Open Society Georgia Foundation (OSGF) has helped introduce a number of education modules at the police academy. The 12 modules were developed by the Open Society Justice Initiative and focused on use of force and firearms, dealing with victims, and communication skills.

According to the Head of the Information Department at the MIA, present guidelines are in line with the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officers*.<sup>150</sup> However, at least one international commentator has questioned the official view, commenting that police standard operational procedures for the use of force do not comply with best practice as they practically allow police officers to 'shoot suspects on the spot'.<sup>151</sup> Indeed, statements from Government ministers seem to have indicated support for police officers to shoot suspected criminals, leading to protests from opposition parties.<sup>152</sup> According to a recent Amnesty International Report, the use of firearms to threaten suspects and prisoners has also not been eradicated.<sup>153</sup> This analysis was supported by focus group participants, many of whom had a background in law enforcement, who thought that the use of force and firearms by police officers is at present excessive. Such excessive use was, for the most part, attributed to inadequate training in the use of force:

*There was a formal announcement from the Ministry of Internal Affairs. They said that if criminals resisted arrest then the police would be able to take any necessary measures to eliminate the criminals on the spot. A 22 year old boy was recently killed [as a result]. In our time, committing the same kind of action, unless it was absolutely necessary, would cause us to be imprisoned in Siberia.*

**Focus group D, Tbilisi, former Traffic Police, male, 36**

<sup>147</sup> Interview, Merab Gergaia.

<sup>148</sup> Ibid.

<sup>149</sup> Interview, Shota Utiashvili.

<sup>150</sup> *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officers*, New York. Accessible at, <[http://www.unhcr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhcr.ch/html/menu3/b/h_comp43.htm)>.

<sup>151</sup> EUSR, Border Advisory Team.

<sup>152</sup> See, Demonstrators protest against Police's 'high handed tactics', Civil Georgia, 13 November 2005, <<http://www.civil.ge/eng/article.php?id=11138>>, accessed 21 June 2006. One opposition leader has claimed that 19 men were killed during police operations in early 2006; 'Opposition leader slams police's 'high-handed tactics'', Civil Georgia, 2 March 2006, <<http://www.civil.ge/eng/article.php?id=11966>>, accessed 21 June 2006.

<sup>153</sup> Op. Cit, *Georgia: Torture and ill-treatment still a concern after the "Rose Revolution"*.

**Ministry of Internal Affairs, Border Police employees**

Only the Head of shift and the representative of the operative department have the right to carry weapons at Georgia's international checkpoints.<sup>154</sup> Operative Department personnel, who are used to patrol the green borders, carry weapons at all times. Operative Department personnel are present at each checkpoint two or three times a week. As Border Police recruits now undergo the same basic training as all other police officers, training in the use of force and firearms should be the same as for Patrol and Regional police staff.

**Ministry of Justice employees**

The use of firearms by MoJ employees has come under criticisms following the death of several prisoners during fighting in a Tbilisi jail in March 2003. According to Georgia's human rights ombudsman, Sozar Subar, the deaths were '*the direct consequence of the Justice Ministry official Bacho Akhalaya's decision to authorise armed troops to open fire on prisoners*'.<sup>155</sup> While investigations into this incident were still ongoing as this survey went to print, it seems apparent that the use of force and firearms by MoJ staff needs to be revised in order to ensure that such use is appropriate to each incident and complies with the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.

<sup>154</sup> Interview, Kakha Khandolishvili.

<sup>155</sup> 'Georgian ombudsman implicates senior officials', RFE/RL NEWSLINE Vol. 10, No. 92, Part I, 22 May 2006.

# Collection and destruction

**RECENT DEVELOPMENTS IN POLICY AND PRACTICE** on both the destruction and collection of SALW have been positive and provide a good basis for future actions in this area. Plans are presently underway to develop a destruction programme for military SALW during the period 2006–2009, and to this end the MoD's Logistics Department has already undertaken a comprehensive inventory of stockpiled SALW, in order identify non-functional and surplus units. In addition, the May 2004 weapons collection in Batumi was very successful and represented a marked improvement on previous collection campaigns.

While this is the case, much still needs to be done to improve policy and practice regarding the collection and destruction of weapons. The identification and destruction of surplus ammunition is not yet a priority for the MoD and it is not national policy to destroy all weapons seized from the public. In terms of weapons collections, the success of the 2004 Ajara collection campaign lay in the goodwill created by the collapse of Abashidze's regime. Future collection initiatives will have to be better planned and must be supported by a comprehensive awareness raising campaign, especially amongst non-ethnic Georgians communities. Indeed, the ongoing general amnesty on surrendered weapons has proved ineffective as a weapons collection campaign. It might be the case that time-limited collection campaigns, preceded and followed by law enforcement drives, would better encourage weapons surrender. In addition record keeping on past collections is poor, and it is not clear exactly how many weapons have been collected since independence.

## 7.1 Past weapons collections

This section reviews weapon amnesty and collection activities since Georgia achieved independence from the Soviet Union, with particular reference to public perceptions of the effectiveness of these measures. This analysis can be used to inform the development of future programmes to collect the remaining weapons in illicit ownership in Georgia.

There have been three main initiatives to collect illicit firearms in Georgia since independence:

- A collection following the end of armed hostilities in Abkhazia and South Ossetia in 1995–1996
- A collection in Ajara following the collapse of the Abashidze regime in May 2004
- A general amnesty on surrendered firearms introduced at the beginning of 2005.

The OSCE also undertook a weapons collection programme in South Ossetia, but this initiative has not been considered due to the scope of the present study.

According to available information, between 13,750 and 23,350 weapons have been collected on Georgian government-controlled territory as of March 2006:

**Table 14: Weapons collected on government-controlled territory, 1991–2006**

Collection period	Collection location	Weapons collected
1995–1996	All Government controlled territory	9,700
May 2004	Ajara	3,150
January 2005 onwards	All Government controlled territory	900–10,500
<b>Total</b>		<b>13,750–23,350</b>

### 1995–1996 collection programme

Following Eduard Shevardnadze's election as President in 1995, the Georgian Government implemented a policy of compulsory weapons collections. These collections were restricted to government-controlled territory and did not include the separatist regions of Abkhazia or South Ossetia or the autonomous area of Ajara. The collection campaign formed part of a crackdown on paramilitary and criminal groups that had been influential in Georgia since the *Mkhedrioni*-led coup that had deposed the previous president, Zviad Gamsakhurdia. There are no public records of the number of weapons collected during this period, but a previous survey in 2002 found that some 9,700 firearms were seized, predominately from former *Mkhedrioni* (60 percent of weapons) and National Guard (28 percent of weapons) members, the remainder being voluntarily surrendered by civilians.<sup>156</sup> Collected weapons included 4,770 rifles, 2,344 pistols and revolvers, 2,253 grenade launchers and two missile launchers. According to the 2002 study, the 1995–1996 weapons collection did not lead to a comprehensive disarmament of society, or even of all of the paramilitary groups.

Focus group participants thought that the 1995–1996 collection programme had been quite effective in collecting the weapons that had proliferated during the conflicts, and that stability in the country had increased as a result. However, it was also felt that a large number of weapons owned by various paramilitary groups and volunteers were not successfully recovered, particularly in Zugdidi and Svaneti. Indeed, in contrast with the 1995–1996 collection, the above analysis of the geographic distribution of illegal weapons indicates that any future collection campaign should be targeted in areas with high levels of illegal ownership, taking into account the incentives for illegal ownership on a case-by-case basis:

*Seventy percent of weapons were confiscated and taken away. I will say that it was only 70 percent. One needs to only consider those living in the Kodori Gorge and in Svaneti and how they would have as many as seven automatic weapons, and how people decided to bury their weapons.*

Focus group F, Zugdidi, civil society activist, male

<sup>156</sup> Op. Cit. Demetriou S, p 31. The findings were based upon the personal records of Givi Kviraia, who was Minister of Internal Affairs during the collection period.

### Weapons Collections in Ajara<sup>157</sup>

Following the 'Batumi Revolution' on 6–7 May 2004, the Georgian Government implemented a weapons collection campaign in Ajara. The campaign was widely advertised through TV and radio announcements. The collection campaign was accompanied with a limited buy-back initiative, with illegal weapon owners being remunerated US\$110–165 per weapon. In addition, local Government authorities engaged in an active programme to seize unregistered firearms, aided by the registers that had been used by the Abashidze administration to record weapons distributed to its supporters and by tip-offs from the public. The collection campaign was facilitated by higher public trust in the Government as a result of the 'Rose Revolution'. Indeed, one commentator stated that people 'seemed to be happy' to surrender their firearms.<sup>158</sup> Interviewees also suggested that people were also more willing to surrender weapons out of fear that the new administration would take a much harsher line regarding illegal possession.

The collection campaign was considered to be very successful. As a result of the collection period, 3,000 automatic weapons and up to 150 grenade launchers were seized or voluntarily handed in during a ten-day period.<sup>159</sup> A number of pieces of heavy weaponry were also seized in the mountainous regions of Ajara. It was thought that about 70–80 percent of weapons were seized from the population in Ajara during the collection period.<sup>160</sup> However, official figures for seizures of illegal firearms during 2005 (125 incidents) demonstrate that such a high collection rate is unlikely and that there continue to be a significant amount of illegal firearms in Ajara. Police interviewees from the region think that everyone who would voluntarily surrender their weapon has already done so. As a result, further amnesty campaigns might not have any substantial impact on the amount of illicit firearms in the region.

### General amnesty, 2005 to the present

Since the beginning of 2005, an internal MIA instruction has provided an amnesty to those who voluntarily surrender illegally held weapons, provided these weapons were not used in a crime. The general amnesty is planned to continue indefinitely. According to the MIA, it also conducts irregular monthly collection campaigns on Georgian government-controlled territory, although no further information was available on their results. One independent military expert has attributed the lack of official information to the fact that the MIA's recording procedures are not detailed enough to provide information on the number and type of recovered firearms each year, and any information that has been recorded is not publicly available.<sup>161</sup> The Permissions Department did however state that an average of 60 to 70 weapons are legalised every month as a result of the amnesty.<sup>162</sup> This suggests that between 900 and 10,500 firearms have been collected as of March 2006. The Permission Department estimates that approximately one in every hundred surrendered firearms has been used in a criminal act, although one in ten has previously been on the list of weapons considered missing.<sup>163</sup>

On the whole, interviewees considered the general amnesty unsuccessful, arguing that the number of firearms surrendered is quite low and that people have predominantly surrendered obsolete weapons. The lack of success is attributable to a number of factors. Firstly, the collection itself does not seem to be based on strategic planning and has not been targeted at any specific target groups. Secondly, the amnesty has not been accompanied by a publicity campaign. Although such a campaign was planned, it was

<sup>157</sup> Interviews, Jonny Bakuradze; Gocha Megreslishvili; Mr Paghava; David Kasradze; Zaza Davitadze.

<sup>158</sup> Interview, Natia Surguladze.

<sup>159</sup> Interview, Zaza Khachidze.

<sup>160</sup> Interview, Jonny Bakuradze.

<sup>161</sup> Interview, Kakha Katsitadze.

<sup>162</sup> Interview, Zaza Khachidze.

<sup>163</sup> Interview, Shota Utiashvili.

not considered a high priority and was consequently postponed.<sup>164</sup> In any event, the implementation of any ongoing awareness or outreach campaign for a general amnesty is unsustainable. Experience from other countries with a high level of illicit firearm ownership indicates that short amnesties complemented with targeted awareness raising campaigns are much more effective in encouraging weapons surrenders.

Thirdly, as the present amnesty is not time-limited and runs in conjunction with the criminalisation of illegal firearm ownership it makes law enforcement in this area problematic. This is because it is not clear whether the police's priority should be to encourage the surrender of weapons or to actively seize them. Indeed, even if citizens in the possession of illegal weapons are aware of the amnesty, concurrent seizures by the police of weapons will appear confusing and possibly undermine their trust in the amnesty due to a fear of arrest. It may also be argued that while there is an open-ended amnesty, owners of unregistered weapons will not really fear punishment and will not have a strong enough incentive to surrender their weapons. Over time, this may actually hinder attempts by the law-enforcement authorities to reduce the amount of illegal weapons in circulation. Finally, while amnesties can be effective ways of encouraging at least some weapons owners to hand in or register illegal weapons, especially in a period when the MIA lacks the resources to take more asserted action, an ongoing amnesty is a drain on police resources.

## 7.2 Lessons learnt for future weapons collections

Past experience of weapons collections in Georgia suggests that any future collection campaign should include the following:

### **Limitation of future collection campaigns to amnesties**

Future collection initiatives are most likely to be effective if they are restricted to general amnesties, where weapons could be surrendered without sanction, rather than other collection methods, such as lottery incentives and exchange programmes, whereby community infrastructure projects would be introduced in response to high levels of surrendered weapons. This analysis is supported by survey respondents, who thought that, apart from increased police efficiency, a general amnesty would be most likely to encourage people in their community to surrender illegal weapons and were generally sceptical about the efficacy of other types of initiatives.

### **Time limited amnesties sequenced with strict law enforcement**

In order for amnesty campaigns to be effective it is important that they are time-limited and that the law is rigorously enforced at all other times, in order to provide an incentive for the surrender of weapons. This analysis is supported by the household survey. For example, when asked what three factors were most likely to reduce illegal small arms distribution, apart from a more effective police force (53 percent), survey respondents most frequently answered 'a severe legal penalty for possession' (38 percent). Indeed, the 'fear' of strict enforcement was one reason for the success of the Ajara collection programme.

### **Build trust in the collection and collectors**

Although trust in the police is improving, focus group participants still felt the lack of trust in the security structures to be the main factor that would undermine any collection campaign, as owners of illegal firearms would be fearful of arrest and harassment. As a result, it was thought that a large proportion of Georgians who own

<sup>164</sup> Ibid.

unregistered weapons would be more likely to bury, hide or dispose of their weapons in some way other than surrender to the police. Indeed, the success of the Ajara campaign was to a large extent due to the goodwill felt towards the incoming authorities. It is clear that further initiatives to improve trust in the police are needed, whether this involves community based policing, outreach campaigns and/or greater promotion of the police's activities. This is especially the case amongst non-ethnic Georgian communities. The establishment of an independent ombudsman to oversee weapons collections might also help to allay fears of arrest and harassment by the police.

### **Ensure higher levels of security**

Put simply, many people are still unwilling to hand in firearms because of fear of crime and a general sense of insecurity (see section 4). The majority of respondents to the household survey stated that a more effective police force (53 percent) was the factor most likely to reduce illegal small arms distribution, while the third most frequent reply was a 'justice system that works' (26 percent). While policing and security have improved in recent times, more needs to be done in this area, primarily through more detailed law enforcement planning, the mainstreaming of community based policing and greater outreach and promotion of the police's activities:

*There is no security and that is why I think they will never give up weapons.*

Focus group N, Marneuli, male, 45

### **Create knowledge of collections through awareness-raising campaigns**

Past collection campaigns in Georgia have been undermined by the lack of awareness-raising campaigns, as indicated by the low knowledge of past government collection initiatives amongst both household survey respondents and focus group participants. For example, only 60 percent of those surveyed were aware of the steps taken by the Government to collect unlicensed firearms.<sup>165</sup> On closer questioning, however, only 46 percent of respondents were able to identify the procedure for surrendering weapons. This indicates that actual knowledge of past amnesty/weapon collections is lower than people are willing to admit. Focus group participants themselves suggested that both the present amnesty and any future collection campaigns would only be successful if supported by awareness-raising campaigns to explain registration procedures and how to surrender weapons.

### **Design specific awareness-raising campaigns to target ethnic minorities**

There is a great discrepancy in knowledge of previous collection initiatives between ethnic Georgians (63 percent awareness) and non-ethnic Georgian citizens (only 29 percent awareness). Knowledge of previous collection campaigns is significantly lower in Kvemo-Kartli (34 percent), which has a large ethnic Azeri community, than in the rest of Georgia (60 percent). Knowledge of the present amnesty is also lower in Kvemo Kartli. This indicates that the Georgian Government has not been communicating with non-ethnic Georgians on these issues as effectively as with ethnic Georgians:

*No, we have not heard [about the amnesty] and we do not have information about the registration or surrendering of guns. Nor do we know about any other programmes in place to collect weapons.*

Focus group N, Marneuli, male, 45

<sup>165</sup> The figure was significantly higher in Ajara (87 percent), probably as a result of the successful collection campaign.

### Target collection campaigns in priority areas

Any future collection campaign should be targeted to those areas with high levels of illegal ownership, such as Samegrelo-Svaneti or Kvemo Kartli (see Section 3.5), or those with specific dynamics of illegal firearm ownership, such as Ajara, while taking into account the specific drivers for illegal ownership in each case.

### Comprehensive pre-campaign planning

A comprehensive assessment of the attitudes of Georgia gun owners in each targeted region should be carried out during the preparation phase of any collection campaign. Such studies, together with the information provided by this report, would help to identify the methods most likely to respond to each community's needs and vulnerabilities.

## 7.3 Small arms destruction

### Destruction of seized civilian weapons

Georgia does not have a consistent policy regarding the destruction of weapons seized from the general population. While weapons gathered during OSCE collection programmes have been destroyed, weapons collected during other campaigns have not, but instead transferred to government ministries and agencies. For example, weapons confiscated by the Ministry of State Security and the MIA from civilians, criminal groups and the Ajaran authorities during the weapons collection in Ajara in 2004 were handed over to the MoD, which is now reviewing all weapons in its possession (see below). Non-functional arms and weapons with a criminal history will be written off and destroyed.<sup>166</sup> Weapons collected from the general population will be destroyed by the state enterprise 'Delta' (as MoD weapons are). To date, *Delta* has disposed of 84 units of SALW seized from the general public, including 17 automatic firearms.<sup>167</sup>

### Destruction of state surpluses

According to *Delta's* Director, Georgian policy is that state SALW surpluses should not be transferred to other states and that SALW, ammunition or explosives should not be sold to private parties (only reprocessed propellant, gun powder and TNT for industrial use may be sold).<sup>168</sup> In addition, the destruction process itself should abide by the following principles: security; safety; efficiency; development of specific destruction procedures; low environmental impact; and, accountability. According to the MoD the following military surpluses have been destroyed with international assistance in the period 2003–2005:<sup>169</sup>

**Table 15: MoD surplus weapon destruction, 2003–2006<sup>170</sup>**

Weapon type	Quantity	Cost	Donor agency
AD missiles	500+	€1,250,000	PfP Trust Fund, NAMSA supervised
AAA and Arty rounds	50,000	€1,700,000	OSCE Funded

Destruction plans for the period 2006–2009 include a project for the disposal of surplus SALW stockpiles, projects for the demilitarisation of SA, AA and AS missiles, and the disposal of AAA, Arty and Avia bombs.

<sup>166</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

<sup>167</sup> Ibid.

<sup>168</sup> Presentation by Mr David Nairashvili at the Parliamentary Workshop 'Small Arms and Light Weapons in the CIS region, Tbilisi, Georgia, 9–10 June 2006.

<sup>169</sup> Ibid.

<sup>170</sup> Some of the destroyed items may not be SALW. For example AD (Air Defence) missiles could range from those for use in MANPADS to those for use in fixed missile systems.



### **Small arms destruction**

The MoD is presently conducting an inventory of all SALW in its possession, with the aim of identifying surplus and obsolete SALW for a destruction campaign. It is expected that this will show that between 30 and 50 tonnes of SALW held by the MoD are obsolete and should be destroyed.<sup>171</sup> The cost of destroying these surpluses is expected to be between €100,000 and €150,000. The MoD has not yet identified the funds for this destruction, but likely sources of assistance include USAID and NAMSA (NATO Maintenance and Supply Agency), who have already indicated a willingness to support future destructions, and the OSCE Mission to Georgia.

*Delta* has been appointed for the destruction of surplus and obsolete military equipment. As such it will be the 'lead agency' for implementing the planned destruction programme. Following a competitive tender, a further two companies have been selected to smelt SALW. These are the Institute of Metallurgy and the 31st Aviation Factory. According to the MoD, these enterprises have been selected based on their experience and existing infrastructure.

The whole process will be under the MoD's strict control. SALW earmarked for destruction will be stored in MoD warehouses and sent to *Delta* in portions. After *Delta* has cut the weapons into parts, they will be returned to the MoD. The weapons parts will then be delivered to the Institute of Metallurgy and the 31st factory for smelting.

### **Ammunition destruction**

The MoD does not consider destruction of ammunition with a calibre less than 23 mm to be a priority, since no large surpluses have been identified.<sup>172</sup> However, the MoD recognises the importance of having a destruction programme for ammunition in place, and *Delta* is presently working on procedures for destroying ammunition.<sup>173</sup> In the meantime, larger-calibre surplus or out-of-date ammunition is collected at the demilitarisation arms-disposal plants in Dedoplistqaro and Ponichala for destruction. According to the MoD, ammunition is only written off its inventory after it has been blown up or after ammunition has been reproduced into scrap metal or explosives for industrial use, sold and removed from the military base.

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<sup>171</sup> Interview, Lt. Col. Khvadagiani.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

# International transfer controls and border management

**GEORGIA HAS MADE GOOD PROGRESS** in establishing an effective transfer control and border management system over the last decade. The key stages in this process include, the creation of an inter-agency Military Technical Commission (MTC) to oversee the national arms transfer system in 1997, the adoption of national legislation regulating international arms transfers in 1998 and reform of the border services in the period 2003–2006.

National legislation in this area was developed with US assistance, in order to better correspond with international standards, and now regulates the majority of trade including direct import and export, re-transfer and transit. Legislation also includes a number of progressive stipulations, such as end-user certificates, and post-delivery verification for some items. While legislative progress has been significant, reform of the border services has been particularly encouraging and has involved: the ongoing civilianisation of the Border Police, its retraining and integration into the MIA; the supply of equipment and training equipment to border guards and customs officials; and improved interagency co-operation between the Border Police and the Customs Department. While progress has been positive, the international transfer control system needs to be developed further in order to meet European best practice in terms of legislation, border management and the licensing system.

National legislation continues to have weak provisions in a number of areas: there is weak regulation of transits and transshipments; there are no specific provisions regulating brokering; there is a discrepancy in controls over transfers of military and non-military arms and dual-use goods technologies (ADGT); end-user certificates are not required for transfers to recognised state bodies; verification of end use is not universal; and consent of the country of origin is not required for re-export. For the time being these weaknesses are not that problematic given that Georgia is not currently an arms producer and has attracted limited interest in its Cold-War era military surplus since 2000. Nevertheless, should production of weapons, arms, ammunition or their parts resume on a significant scale, or should Georgia prove successful in transit trade, then these deficits in the control system, combined with the present poor transparency on licensing decisions, would become much more problematic.

The ongoing reform of the Border Police is a positive step in ensuring a well functioning border management system. However, this process has been undermined by the lack of clear objectives and the absence of a transitional plan. In turn this has been dependent upon the failure of the Border Police to undertake a comprehensive risk assessment and develop a National Border Strategy. Border Management is also undermined by poor communication within the Border Police (between regional centres and Headquarters) and between the Border Police and the rest of the MIA. Most significantly, co-operation between the Border Police and the Customs Department is under-developed. The relationship between the two organisations has traditionally been unco-operative and there is still no memorandum of understanding regulating their interaction. Finally, improved border management is also undermined by poor national financing and an over-reliance on international donors.

Perhaps most importantly, the licensing system for arms transfers is still weak in a number of areas and has actually moved further away from European and international best practice during 2005 as a result of two significant changes. Firstly, following adoption of Presidential Decree N847 (October 2005) the MTC, the body responsible for making final licensing decisions on arms transfers, has been made into a department of the MoD. The MTC was previously an inter-agency group subordinated to the National Security Council (NSC).<sup>174</sup> As a result of this restructuring, the MoD now represents, *'the main body dealing with defence and national security'*<sup>175</sup>, including arms controls. The MoD's authority in this area is unlikely to change in the near future.<sup>176</sup> Secondly, arms transfers by state agencies and their subordinated bodies no longer have to be licensed by the MoJ or Ministry of Economy and Trade (MoE), as was previously the case. Instead, state agencies can conduct transfers on the basis of agreement with the MTC alone. These changes have reduced oversight of the transfer licensing system and created a situation in which the state ministries, and the MoD in particular, can transfer ADGT virtually without external oversight. This is an important development, not least for the country's internal security, as Georgia had the fastest growing military expenditure in the world in the period 2005–2006, during which time significant amounts of SALW were imported (see below). As the MoD has itself stated, *'given the unresolved conflicts in the country [Georgia], there must be no excess armaments in Georgia'*.<sup>177</sup> However, without increased transparency and oversight of the licensing process this cannot be ensured. In addition, the centralisation of decision making on transfer issues within the MoD sets a bad precedence for inter-agency co-operation on small arms issues and oversight of the security sector in general.

## 8.1 Legislation and regulation

The following laws govern the transfer of weapons for civilian use, military equipment and armaments and other military technical equipment as well as Georgia's border management framework:

- The 'Law of Georgia on Export (and Import) Control of Arms, Military Equipment and Dual-Use Goods' (28 April 1998, hereafter 'Law on Export') and its amendments (May 2003, June 2004, November 2005, June 2006), which regulate the import, export, re-export, transit and transshipment of all types of arms and military equipment and endow government agencies with the responsibility of stopping the illegal movement of production subject to export and import control at the customs authorities of Georgia

<sup>174</sup> The MTC was established in 1997 following Presidential Decree N582.

<sup>175</sup> Interview, Mamuka Kikaleishvili.

<sup>176</sup> Interview, Giorgi Doledtz.

<sup>177</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

- The 'Law of Georgia on Arms' (8 May 2003), which contains limited provisions regulating the export, import, re-export and transit of firearms
- 'Law on Licences and Permits' (24 June 2005), which removes the need for state agencies to acquire permits/licences from the MoJ for SALW transfers
- The 'Law on Border Guards' (1994), which regulates the activities of border guards. A new 'Border Police Law' has been drafted and is awaiting adoption by parliament<sup>178</sup>
- The Customs Code, which regulates the activities of customs officials
- The Georgian Criminal Code, which stipulates punishments for breaches of legislation.

Georgia's present international transfer control system also relies on a number of Presidential Decrees. The following Presidential Decrees have had a significant impact on the structure and functioning of the transfer control system:

- Presidential Decree N582 (October 1997), which defines the procedures for technical documentation for the export and import of military goods and established the inter-agency MTC to regulate export and import of military purpose goods
- Presidential Decree N103 (March 1999), which gives the MoJ responsibility for issuing licences for arms transfers
- Presidential Decree N847 (October 2005), which subordinated the MTC to the MoD.

### **International commitments and adherence**

Georgia is also party to a number of international arms control instruments that cover SALW, including the UN PoA and the OSCE Documents on Small Arms and Stockpiles of Conventional Ammunition. Georgia is not, however, a signatory of the UN Firearms Protocol. Communication with multilateral forums appears inconsistent. For instance, reporting via UN channels has been irregular (a single report for the year 2005 was submitted to the UNDDA, on implementation of the UN PoA). No information is available on the regularity or detail of Georgia's reporting on SALW transfer within the confidential OSCE system.

### **Development of national policy**

According to the 'Law on Exports', the Georgian Parliament is responsible for determining state policy on transfer controls, developing the transfer control system, drafting the list of states subject to transfer restrictions and also has a right to supervise the activities of the relevant executive agencies. However, the Georgian President has a more significant role in developing the transfer control system than the Parliament. The President is responsible for: issuing normative acts regarding the transfer control system; approving the list of products drafted by the MTC, which are subject to transfer controls; supervising the activities of the relevant executive agencies (eg MoD, MoJ, MoE, and Customs Department) and determining their powers; and approving the list of states subject to export restrictions. The importance of the President's role can be seen in the Presidential Decrees that have been issued regarding the transfer control system. The most significant of these is Decree N847 from October 24 2005, which subordinated the MTC to the MoD.

### **Licensing of transfers**

The 'Law on Export' requires that arms traders must make an application to the Registration and Licence Department within the MoJ for each proposed SALW transfer. Applications to transfer dual-use goods must be made to the Directorate of Export

<sup>178</sup> Georgia is also party to a number of bilateral and international agreements on anti-trafficking co-operation. These agreements are listed in section 8.3.

Examination within the MoE. Any civilian company or individual wishing to undertake an arms transfer must provide the following documentation to the MoJ/MoE:<sup>179</sup>

- Application defining the required type of permit
- A copy of a signed contract or a letter of intent
- A certificate of the country of origin
- Information about the cargo's insurance
- A permit to undertake the transfer, issued by an authorised agency of the country in which the contracted party or organisation providing the letter of intent is registered
- An end-user certificate (except for imports or exports of combat arms by state bodies).

After the MoJ/MoE has completed an initial assessment of each ADGT transfer application and documentation, the 'Law on Export' requires that it then issues or refuses the permit on the basis of a recommendation by the MTC. This means that final responsibility for authorising ADGT transfers lies with the MTC. The MTC makes its decision on examination of the submitted documents and the advice of an inter-agency expert group, which is tasked with providing a detailed risk assessment of each proposed transfer on a case-by-case basis.<sup>180</sup> According to the 'Law on Export', Georgia's transfer control system is based on the following principles:<sup>181</sup>

- Observance of Georgia's international commitments on the non-proliferation of WMD and other kinds of weapons
- The priority of political interests when implementing export and import control
- Checks on the final use of materials and products subject to export and import control in the framework of non-proliferation regimes.

The MoD states that it also takes into account the potential for transfers to be used in the execution of human rights violations during the decision-making process.<sup>182</sup>

While these general principles are recognised as good practice by exporting states around the world, best standard decision-making on transfer licences would be aided by more detailed criteria. The *EU Code of Conduct on Arms Exports* (EU CoC) is a good example of more developed criteria.<sup>183</sup> While Georgia is currently not obliged to include the criteria in the EU CoC in its export legislation, it will need to do so eventually as part of its bid for EU membership. In addition, without more detailed information on arms licensing decisions it is not possible to determine how decisions are taken in practice and the role that the general principles listed above play in them. Analysis of licensing decisions made by the MTC would be aided by the publication of an annual report on arms exports.

The MoJ/MoE can issue permits for transfers of a limited range of ADGT without prior agreement from the MTC. These items are: all dual-use goods apart from intangible ADGT transfers (as listed in the Georgian dual-use goods list); smooth-bored hunting weapons; sports guns; award weapons; gas pistols; shotguns; and vintage guns and their munitions.<sup>184</sup> The MoJ/MoE is only obliged to inform the MTC of the issuance of licences to transfer these goods after the event. Similarly to MTC decisions on ADGT transfers, no information was available on the precise criteria for licensing decisions by the MoJ/MoE.

The present division of responsibility for licensing decisions means that the Georgian Government presently operates two ADGT transfer control systems: one for transfers of military-purpose ADGT governed by the MTC; the other for transfers of non-military purpose ADGT (mostly smooth-bored hunting weapons) governed directly

<sup>179</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

<sup>180</sup> Ibid.

<sup>181</sup> 'Law on Export', Article 2.

<sup>182</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006.

<sup>183</sup> Accessible at <[http://europa.eu.int/comm/external\\_relations/cfsp/sanctions/codeofconduct.pdf](http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf)>.

<sup>184</sup> 'Law on Export', Article 8, Paragraph 8.

by the MoJ/MoE. The fact that non-military purpose ADGT are not subject to MTC approval presumably reflects the relatively low risk they are perceived to present.

It should also be noted that it is possible to transfer individual hunting rifles across Georgia's international borders if that the appropriate documents have been acquired both from the Georgian MIA and from the country to which the rifle is being transferred.<sup>185</sup>

### Exemptions

Adoption of the June 2005 'Law on Licences and Permits' removed the need for state agencies to acquire permits from the MoJ/MoE for ADGT transfers. Instead, the basis for transfers by state agencies is a 'recommendation' issued directly by the MoD's MTC. Although the MTC consults a group of experts from different ministries, this arrangement still raises the risk of decreased oversight, since the same agency is now responsible for both making decisions and issuing authorisations for transfers by state agencies. Poor external constraint on SALW imports by state agencies and the MoD in particular is a matter for concern given the contemporary social and political realities in Georgia. Without such oversight it is possible that such decisions will be overly politicised, or will not take into account the potential negative impacts of each transfer.

It is also important to note that the President has final responsibility for authorising exports of 'military production of strategic purpose', 'services connected with military production' and 'transit of special cargo'. These three categories are not clearly defined in the present legislation, meaning that the exact extent of the President's decision-making powers is unclear. The central role of the President in the transfer licensing system can be interpreted in two ways. It is argued by proponents of this system that the President's personal involvement in approving sensitive transfers provides for democratic control at the very highest level. While this may be true, international practice argues for a reduction in the President's role, since it may lead to politicised decision-making. The argument is that emphasis should instead be placed on dispassionate and objective criteria-based judgements, which guard against the prospect of vested interests dictating arms transfers.

In an environment of low transparency such exemptions clearly provide an unwelcome loophole by which a more rigorous criteria-based system of licence application processing can be circumvented.

### Brokering

Present legislation does not provide stipulations regulating brokering activity either for transfers across Georgian customs territory or for third-party brokering (shipping that does not enter Georgian customs territory or physical trading of ADGT outside of Georgia). As such it is not clear how brokers and their activities are licensed and regulated, if at all. According to the MoJ, Georgia does not need to regulate brokering through separate legal provisions since the current legal framework, although including no specific stipulations on brokering, already regulates this activity.<sup>186</sup> However, because of the different forms that brokering can take (eg insurance, financing, facilitating, shipping) and the difficulty that its regulation presents, current international best practice is to include separate provisions for brokering activities in national legislation.

<sup>185</sup> Interview, Irodi Toradze.

<sup>186</sup> Correspondence with Giorgi Gogiberidze, Ministry of Justice, June 2006.

### Re-export, transit and transshipment

While re-exports should be licensed according to the above system, the 'Law on Export' allows re-export of ADGT from Georgia without a permit from the authorised agency of the original exporting country. At present Article 9 Paragraph 3 of the law states that *'Re-export of products entered on the customs territory of Georgia shall be subject to export control and may be carried out without permission of the authorised agency of the sending country'*.

In addition, ADGT transits are not subject to the same scrutiny as other transfers, as they do not have to undergo review by the MTC, with the exception of some dual-use goods. In most cases the MoJ/MoE can issue permits for ADGT transits without prior agreement from the MTC, which is instead informed after the event.<sup>187</sup> Review by the MTC is required for the issuance of transit permits for some intangible ADGT transfers. A dual-use goods list specifies those dual-use goods requiring such scrutiny. This provision is an important weakness since transiting ADGT are of as much potential concern in terms of possible misuse or diversion as are other types of transfers. As it is likely that the MoE/MoJ do not have the capacity to independently assess the risks associated with each transfer on a case-by-case basis, this stipulation provides greater potential for ADGT transits to reach sensitive destinations.

Further, while the 'Law on Exports' now regulates transshipments,<sup>188</sup> the law does not seem to provide specific mechanisms for the inspection of transshipments upon entry into, and exit from, Georgia's customs territory. This is problematic as this provides the potential for parts of transshipment cargos to be diverted to unauthorised end-users.

These facts limit the overall effectiveness of the control system by providing greater scope for these lesser regulated types of transfers to reach inappropriate destinations.

### Control lists

The MTC is responsible for drafting the control list of products and services subject to transfer control and submits it to the President for approval. The Georgian list of dual-use goods and technologies was developed with help from the EU and US. According to a representative of the MoE, it is based on the EU dual-use goods list,<sup>189</sup> with some additions to suit local production.<sup>190</sup> The MoE submits suggested changes to the control list on an annual basis, with the support of the US and the EU. Since the EU and the US largely prepare their control lists for dual-use goods in an international forum, the MoE states that, in effect, Georgia also follows these international standards. The Georgian list of dual-use goods and technologies is publicly available.

### Arms transfers embargoes

The 'Law on Export' includes a provision prohibiting transfers of ADGT to countries under UN embargoes. However, there is no specific legislation to prohibit transfers to states under embargoes made by the OSCE (of which it is a member) or the EU (which Georgia aspires to join). As noted below, Georgia has in the past licensed transfers to a country under an EU embargo. A list of those countries under export restrictions from Georgia is composed initially by Parliament and approved by the President. The process of formulating the list of countries under export restrictions is managed by the MTC.

<sup>187</sup> 'Law on Export', Article 9.

<sup>188</sup> Amendment to the 'Law on Export' (23 June 2006), Article 1.

<sup>189</sup> As stipulated by Annex 1 of Council Regulation (EC) No. 1334/2000, *Setting up a Community regime for the control of exports of dual-use items and technologies*, 22 June 2000, available at <[http://europa.eu.int/eur-lex/pr/en/oj/dat/2000/L\\_159/L\\_15920000630en00010215.pdf](http://europa.eu.int/eur-lex/pr/en/oj/dat/2000/L_159/L_15920000630en00010215.pdf)>, accessed 25 June 2006.

<sup>190</sup> Interview, Andrea Dvali.

### End-use certification

Previously, the 'Law on Export' stipulated that arms traders were required to provide '*an end user certificate, provided the applicant itself is not recipient of the cargo*' when making an application to transfer ADGT. This meant that end-user certificates were not always required in order to receive a permit for the export, re-export or transit of arms. However, a June 2006 amendment to the 'Law on Export' now makes the provision of an end-user certificate mandatory for all applications to transfer ADGT. This requirement does not, however, apply to transfers of combat arms, provided that the '*other side of the export or import contract*' is a state body of Georgia or another country.<sup>191</sup> This amendment is a progressive one. However, according to the best practice guidelines developed by both the OSCE and the EU, transfers for state agencies should require an end-user certificate in the same way as all other transfers.<sup>192</sup>

There is presently no requirement for transfer contracts to stipulate that relevant Georgian state agencies can check the final use of transferred ADGT, except '*in the case of nuclear and special non-nuclear materials and dual-use goods*'.<sup>193</sup> Ideally, this stipulation should be required in all ADGT transfer contracts. Although Georgian state ministries might not always be able to verify the end use of transfers due to a lack of capacity, the option should always exist.

### Transparency and reporting

Georgia has developed mechanisms for ensuring public access to information on the international arms transfer control system. Under Georgian law, any legal or physical entity can officially address the MoJ with a request for information on ADGT transfers or licensing decisions, apart from licence denials, which are classified.<sup>194</sup> The Ministry is obliged to issue the requested information within ten days after receipt of the request. Further, according to representatives from the Customs Department, the Department is able to release monthly and quarterly information on the quantity of transferred ADGT. In response to requests from the research team, the MoJ was able to provide data on imports of non-military purpose SALW by gun shops.

While this is the case, the level of transparency on transfer issues in Georgia could still be improved and information on the arms control system is not always accessible. For example, information on exports and imports of military-purpose ADGT, licence denials and on importing/exporting organisations or deliveries cannot legally be made available.<sup>195</sup> In addition at the present time there is no statutory requirement for reporting of arms transfer information to parliament on a routine basis.

The main gap in transparency of the current arms transfer control is the fact that Georgia does not publish regular reports on military procurement, transfers and production. Most EU states, and many non-EU states, publish regular reports detailing all imports and exports they have authorised. Reporting on arms imports is less common internationally, and it is perhaps optimistic to hope that the Georgian Government would adopt such reporting mechanisms at the current stage. Doing so would, however, act as a major confidence-building measure in a tense region.

### Administrative capacity

Under the present transfer control system, the key licensing agency is the MoD's MTC. No information is available on how the MTC operates, making it difficult to judge the capacity of the MTC to execute its responsibilities regarding transfer controls.

<sup>191</sup> Amendment to the 'Law on Arms' (23 June 2006), Article 1.

<sup>192</sup> 'Best Practice Guide on Export Control of Small Arms and Light Weapons', Chapter 5 of *OSCE Handbook of Best Practices on Small Arms and Light Weapons* (OSCE, 2003), available at <[http://www.osce.org/fsc/item\\_11\\_13550.html](http://www.osce.org/fsc/item_11_13550.html)>; Chapter 2 of *User's Guide to the EU Code of Conduct on Arms Exports*, available at <[http://www.osce.org/fsc/item\\_11\\_13550.html](http://www.osce.org/fsc/item_11_13550.html)>.

<sup>193</sup> Article 8, Paragraph 10.

<sup>194</sup> Correspondence with Giorgi Gogiberidze, Ministry of Justice, June 2006.

<sup>195</sup> Interviews, Giorgi Gogiberidze; Mamuka Kikaleishvili.



A substantial amount of resources are required to establish and maintain an adequate decision-making group on arms transfer controls that has the necessary training, administrative resources, procedures and guidelines, as well as access to other agencies' expertise. However, according to one government representative, as the issue of arms control is quite new for the MoD, there is at present no clear picture or understanding of how the MoD should deal with ADGT transfer control.<sup>196</sup> Since members of the MTC might require training to become fully operational, and international assistance may be available for this purpose, a detailed needs assessment is necessary for the MTC. While this is the case, as Georgia does not seem to either export or produce significant amounts of SALW at the present time, any lack of capacity within the MTC may not be of serious concern at the moment, except in regard to controls over brokering activities.

While little is known of the MTC's present capacity for risk assessments and case-by-case reviews of licence applications, capacity is bound to be lower within the MoJ and MoE, which do have access to the same amount of expertise and resources as the MTC.

### **Customs control on legal ADGT transfers**

ADGT transfers are processed at Georgia's international customs borders by the Customs Department and the Border Police. According to a representative of the Customs Department, the process for customs control of physical transfers is as follows.<sup>197</sup> When processing SALW imports or exports, customs officials first check the licence issued by the MoJ/MoE or importing/exporting state agency (the MTC 'recommendation'). Customs officials are obliged to verify the make, licence number, quality and quantity of the weapons and the name of the importing/exporting organisation. This is checked against the information provided in the licence. Only after the licence has been checked does the cargo undergo normal customs procedures. On the fifth day of each month the Customs Department sends a list of imported and exported weapons, their quantity, names of importing/exporting organisations and the licence number to the MTC. In addition, the Border Police is responsible for monitoring transfers of all hazardous materials, including SALW, across Georgia's state boundaries and provides a separate report on these transfers to the MoD.<sup>198</sup>

According to interviewees, not all customs personnel are well acquainted with the correct procedure for processing arms exports. One gun shop owner, who regularly imports firearms, expressed his discontent over customs officials, stating they did not have a good understanding of the importing procedure and frequently asked for permits issued by the MoD, rather than the MoJ.<sup>199</sup>

### **Information exchange on licensing decisions**

No information was available on record keeping on ADGT transfers and licensing decisions within the MTC, MoE or MoJ. According to the MoD, full information on arms transfers, all legal and physical entities involved in these transfers, and legal and physical entities whose applications for transfer permits have been denied, is exchanged between the MTC, MoE, MoJ, Customs Department and Border Police. However, it is unclear how relevant officials from these departments access such information.

### **Interaction with industry**

No information was available on outreach methods used by the Georgian Government to engage with the industry to ensure compliance with national legislation in this area.

<sup>196</sup> Anonymous Interviewee B, foreign affairs official.

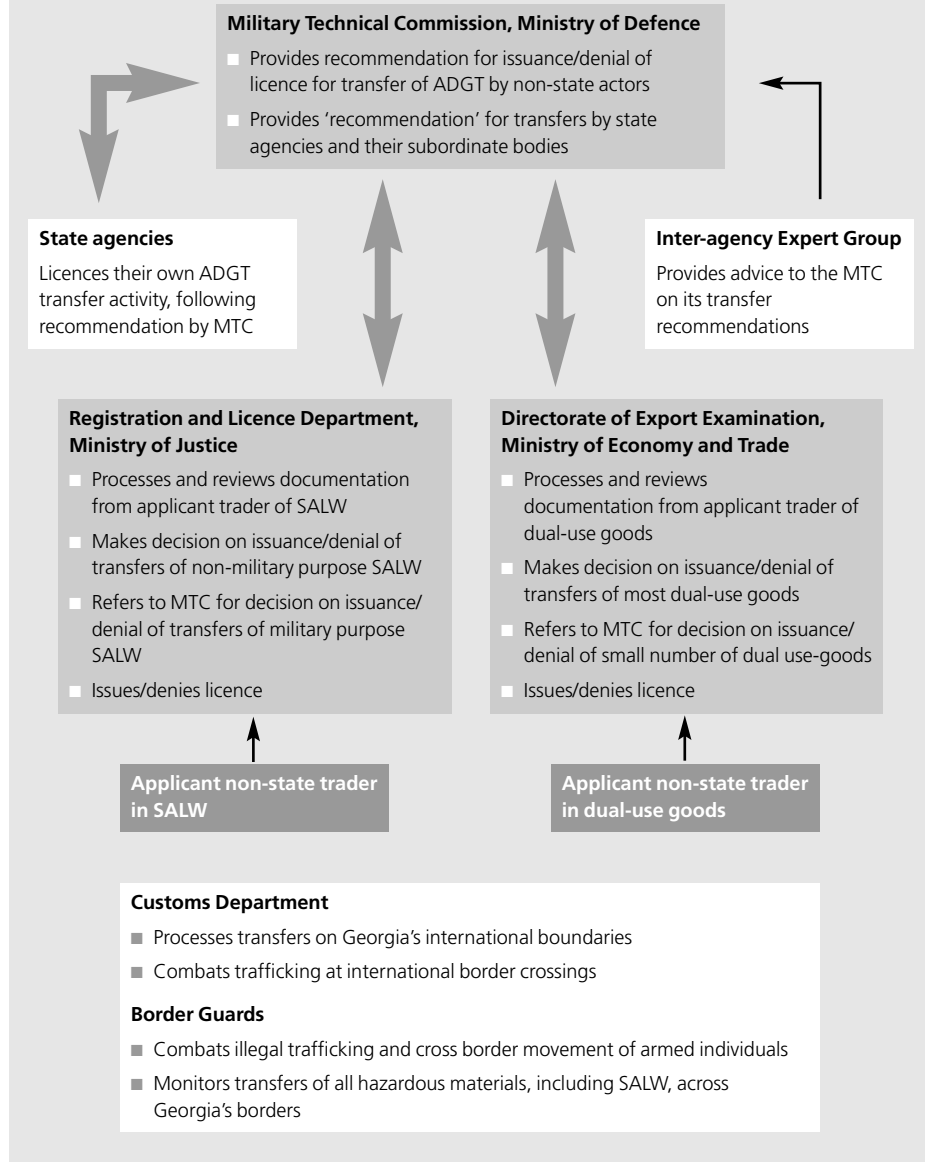
<sup>197</sup> Interview, Vakhtang Lashkaradze.

<sup>198</sup> Interview, David Akhvlediani.

<sup>199</sup> Gun shop interviews (Annex 1).

Indeed, it is difficult to envisage the extent of such outreach, especially regarding brokering and shipping firms, which do not seem to be registered or regulated separately from other parts of the industry.

### Box 15: Arms transfer controls organogram



## 8.2 Recent arms transfers

Official data on transfers of ADGT to and from Georgia made available by the Georgian Government is limited to information on imports of weaponry by gun shops. Nevertheless it is possible to establish a rough picture of the volume of transferred SALW, their type, origination and destination from alternative sources, including data from the UN Commodity Trade Statistics Database (COMTRADE) and key informant interviews. It should be noted, however, that the data on transfers compiled by the research team does not constitute a comprehensive account of all transfers in the years covered. This is because SALW transfers may have taken place and not been officially reported. Furthermore, a number of UN COMTRADE categories include both SALW and non-SALW items. As a result some transfers included may refer to non-SALW items. While the following analysis looks at transfers

of SALW, it does not cover the import and export of dual-use goods, due to the absence of reliable information on transfers of these goods. It should be noted that the following analysis also excludes transits, transshipments and brokering activity. In order for a comprehensive audit of recent arms transfers, these types of transfers would need to be taken into account.

### Small arms imports

According to information provided by the MoJ, 95,993 units of firearms have been imported since 1999. The most noticeable year for imports was 2004, when over 67,000 units of firearms were imported.

**Table 16: Guns shop imports, 1999–2005** (Source: MoJ)

Year	Import permits issued	Imported SALW	Imported ammunition	Imported explosives
1999	1	6,361	1 million rounds	–
2000	9	361	5,720 rounds	269,2 tonnes
2001	21	4,370	637,500 rounds	731 tonnes
2002	28	11,620	5,460,610 rounds	2000 kg
2003	30	3,785		
2004	50	67,211		
2005	13	2,285 f		

The majority of these imports would have been for the domestic civilian market. However, given the large number of weapons imported, it might be the case that some weapons were re-exported or imported for state rather than civilian use, although it is unclear why gun shops would be tasked with sourcing weaponry for the Georgian state. For example, if the majority of these weapons have remained in civilian possession, then imported weaponry would account for 60 percent of all legal civilian firearms (an estimated 159,000 units). This is not feasible as, according to the MIA, between 600 and 900 new firearm licences are issued every month. If this figure were constant between 1999 and 2006, a maximum of 75,600 weapons could have been registered (84 months x 900). This still leaves 20,000 imported firearms unaccounted for.

Information on the numbers and types of SALW imported for the Georgian security services and their point of origin is not publicly available. The value of SALW imported by the Georgian security structures is also unclear. This is because the annual budget laws, which outline Government spending, although open to the public, are not detailed enough for this purpose. For example, the military budget for 2006 is GEL 392 million (over US\$200 million).<sup>200</sup> However, no indication is provided as to what proportion of this budget will be spent on procuring SALW. Non-budgetary sources provide another potential source of funding for the procurement of SALW for Georgia's security service. For example, in addition to the main budget that is approved by parliament, the Georgian security services also receive funding from two non-transparent funds, the 'Army Development Fund' and the 'Law-Enforcement Agencies Development Fund'. The donors who invest in these funds are not known. The authorities have been criticised regularly for lack of public transparency over these funds and the Georgian Minister of Defence has answered questions in parliament about them. According to the Minister of Defence, in 2005 the Law-enforcement Agencies Development Fund was comprised of US\$ 759,100, while the Army Development Fund was comprised of US\$1,920,500. It should be noted that the Minister of Defence has claimed that neither of these funds was used for the purchase of arms or ammunition, but for items such as shoes, uniforms and repairs.<sup>201</sup> While the MoD

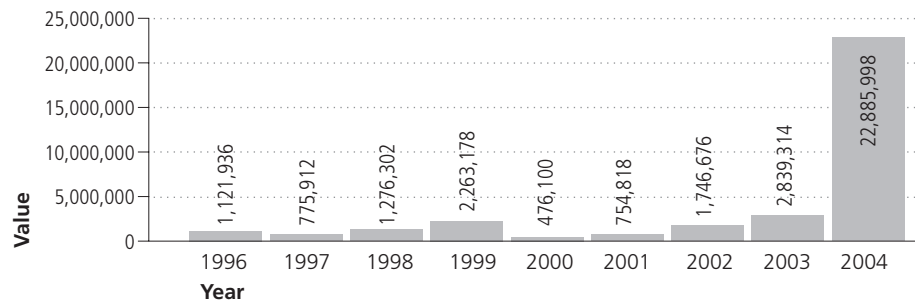
<sup>200</sup> Interview, David Nairashvili

<sup>201</sup> 'Georgian defence minister answers MPs' questions on army, Ossetia shelling', Radio 1, Tbilisi, in Georgian 0900 gmt 27 October 2005 (BBC Media Monitoring).

undertook to close the fund by 1 January 2006, there are no means by which to ascertain whether this has occurred.<sup>202</sup>

While no official information is available on state imports of SALW, an idea of the overall value of such imports can be created from UN COMTRADE data. According to UN COMTRADE data collected by the Norwegian-based NGO NISAT (Norwegian Initiative on Small Arms Transfers), the value of Georgian SALW imports over the period 1996–2003 was relatively low, varying between US\$476,100 and US\$2,839,314 per annum. However, in 2004 the value of imports increased dramatically to US\$22,885,998 for the year:

**Figure 18: US\$ value of known SALW imports to Georgia from all countries, 1996–2004<sup>203</sup>**  
(Source: [www.nisat.org](http://www.nisat.org))



The increases in imported SALW in 2003 and 2004 reported to UN COMTRADE are reflected in information provided by key informant interviewees. According to these interviewees, Georgia is going through a process of military upgrading and has continued to purchase significant amounts of military-purpose weaponry in the period 2003–2005. According to one military expert, the Georgian Government spent a particularly considerable sum of money from July 2004 to the end of 2005 on military imports.<sup>204</sup> This analysis is supported by data collected by Stockholm International Peace Research Institute (SIPRI), which shows that overall military spending increased from US\$36.4 million in 2002 to US\$59.5 million in 2004, with a further increase of 250 percent in 2005 to US\$146 million.<sup>205</sup> As such in the period 2004–2005, military expenditure in Georgia increased at a faster rate than any other country in the world.<sup>206</sup>

Key informant interviewees were able to provide some indications of the types of arms imported for use by the Georgian security services and their origination. Apart from non-SALW items (tanks, artillery pieces and infantry fighting vehicles), the Georgian Government is also thought to be in the process of acquiring ‘thousands’ of SALW and a large amount of ammunition.<sup>207</sup> According to one military expert, Georgia has brought, or is in the process of buying, SALW from the Czech Republic, Ukraine, and maybe Poland and Bulgaria (weapons are no longer purchased from Romania as these are considered to be of ‘low quality’).<sup>208</sup> There is also thought to be some defence co-operation with Israel that includes SALW such as sniper rifles for the Georgian Special Forces.<sup>209</sup> Some interviewees also claimed there have been undeclared imports for troops engaged in and around South Ossetia and Abkhazia and for the Border Police (subordinated to the MIA) and the National Guard (subordinated to the MoD).<sup>210</sup> No evidence was provided to substantiate these claims.

<sup>202</sup> Interview, Koba Liklikadze.

<sup>203</sup> It is unknown what proportion of listed imports was subsequently re-exported

<sup>204</sup> Interview, Koba Liklikadze.

<sup>205</sup> SIPRI Military Expenditures database, <[http://first.sipri.org/non\\_first/result\\_milex.php?send](http://first.sipri.org/non_first/result_milex.php?send)>, accessed 24 June 2005.

<sup>206</sup> Ibid.

<sup>207</sup> Interview, Koba Liklikadze.

<sup>208</sup> Interview, Kakha Katsitadze.

<sup>209</sup> Interview, Koba Liklikadze.

<sup>210</sup> Anonymous interview C, civil society representative. As the National Guard could be responsible for producing up to 20 battalions of trained reservists throughout the country, this would probably involve a large increase in firearms for this service.

A more detailed breakdown of UN COMTRADE figures for imported SALW demonstrates that the significant increase in the value of imports is mostly due to purchases of military purpose weaponry such as ‘military weapons’, ‘small arms ammunition’ and ‘bombs, grenades, ammunition and mines’:

**Table 17: US\$ value of SALW imports by type, 1996–2004** (Source: www.nisat.org)<sup>211</sup>

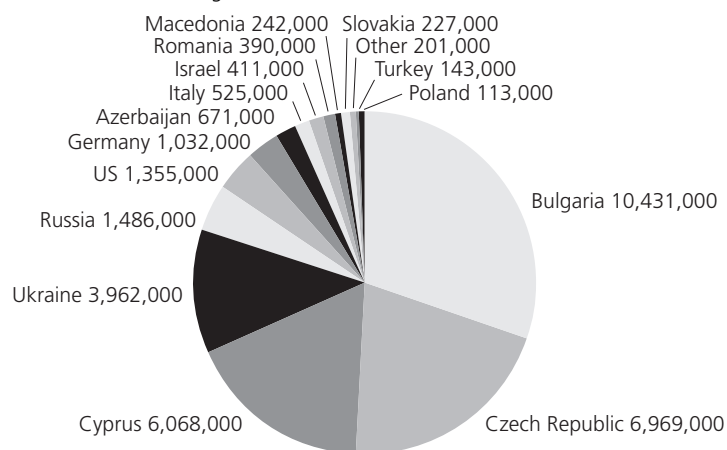
Year	1996	1997	1998	1999	2000	2001	2002	2003	2004
Other	697,404	17,239	12,315	14,783	13,679	5,079	77,812	22,230	1,124,028
Military weapons	–	–	–	122,484	107,193	323,798	162,138 <sup>212</sup>	268,892 <sup>213</sup>	2,892,275 <sup>214</sup>
– their parts and accessories	32,245	2,568	3,799	12,761	606	28,087	168,776	19,224	10,006
Pistols and revolvers	266,947	–	454,062	251,690	206,645	180,086	458,284	807,790	841,929
– their parts/accessories	21,582	8,578	23,821	16,105	7,075	1272	7,035	496	11,118
Sports/hunting shotguns/rifles	28,451	94,596	353,148	194,873	68,282	105,136	251,826	198,324	202,826
– their parts and accessories	–	2,589	1,273	888	3,187	2,785	1,100	6,048	46,335
Bombs, Grenades, Ammunition and Mines	–	13,563	53,964	7,658	3,325	56,725	466,160	1,292,631	15,240,063
Small Arms Ammunition	75,307	137,398	373,920	1,641,936	66,108	51,850	153,545	223,679	2,517,418

While imports of ‘pistols and revolvers’ and ‘sports/hunting shotguns and rifles’ have also increased since 2001, this increase has been much less significant than for strictly military-purpose imports. Furthermore, the category ‘pistols and revolvers’, might also include a number of military- or police-purpose SALW, rather than self-defence firearms for civilian use.

In confirmation of statements by key informant interviewees, Bulgaria, the Czech Republic, Cyprus and Ukraine are shown to be the highest-value exporters to Georgia:

**Figure 19: Origins of known imports to Georgia in US\$, 1992–2004**

(Source: www.nisat.org)<sup>215</sup>



<sup>211</sup> The categories ‘Military weapons’ and ‘Bombs, Grenades, Ammunition and Mines’ might include an amount of non-SALW items. Further, a number of countries have denied licences for arms transfers to Georgia in the period 1999–2000. This includes: Bulgaria 2002, air defence rocket launchers; Germany, 1999, hand arms and automatic weapons (three different refusals) 2001, hand arms and automatic weapons (two refusals) and 2002, hand arms and automatic weapons (two refusals); United Kingdom, 1999, arms and automatic weapons, <50 calibre and accessories. Source: www.nisat.org.

<sup>212</sup> Including air-defence rocket launchers and SALW parts and accessories.

<sup>213</sup> Including 14,000 *Kalashnikov* assault rifles from Lithuania and ‘Weapons and specially designed components thereof’; ie SALW from the Czech Republic.

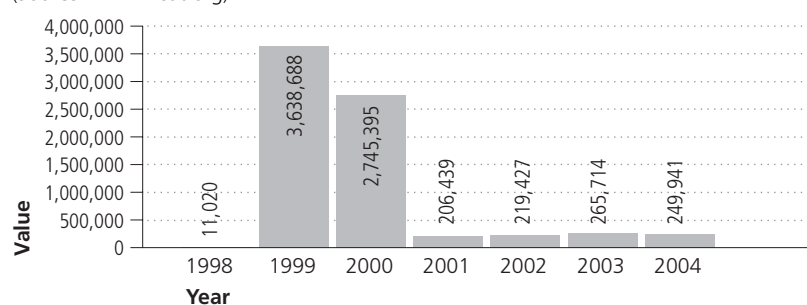
<sup>214</sup> Including: *Tavor* assault rifles from Israel; ‘Grenade Launchers, flame throwers and others’ from Macedonia; and 450 antitank grenade launchers, 6,000 antitank shells, and 120 antitank guided shells from Bulgaria (BBC Media Monitoring).

<sup>215</sup> Figures in this pie chart have been rounded to the nearest US\$1,000. ‘Other’ includes imports with a value lower than US\$100,000 from: France, 893,000 (also rounded to the nearest US\$1,000); Bosnia, 91,000; Lebanon, 82,000; Austria, 63,000; Serbia and Montenegro, 42,000; Switzerland, 20,000; Brazil, 18,000; Unspecified, 12,000; Spain, 12,000; Denmark, 10,000; United Kingdom, 7,000; Canada, 5,000; Estonia, 4,000; Kazakhstan, 4,000; Slovenia, 2,000 and; Indonesia, 1,000.

### Small arms exports

Officials interviewed by the research team maintained that Georgia exports only insignificant amounts of SALW. Interviewees have attributed the absence of an important export industry to two factors. Firstly, Georgia does not presently produce SALW, nor does it have a history of doing so. Secondly, it is claimed that reductions in the size of the armed forces since the end of the Soviet Union have not resulted in surplus stocks that could be sold abroad, as Georgia did not inherit adequate SALW stocks on independence.<sup>216</sup> Nevertheless, UN COMTRADE figures collected by NISAT show that Georgia has exported SALW of an appreciable value in the period 1998–2004:

**Figure 20: US\$ value of known SALW exports from Georgia to all countries, 1998–2004**  
(Source: www.nisat.org)



The most significant exports of military purpose SALW took place in 1999 and 2000 and were comprised of ‘military weapons’, ‘bombs, grenades, ammunitions and mines’ and ‘small arms ammunition’:

**Table 18: US\$ value of SALW exports by type, 1998–2004** (Source: www.nisat.org)

Year	1998	1999	2000	2001	2002	2003	2004
Other	20	69,007	4,423	144,679	34,000	20,247	–
Military weapons <sup>217</sup>	–	4,893	1,012,787	–	5,537	–	–
– their parts/accessories	–	258	14,295	–	346	–	–
Pistols and revolvers	–	1,400	246,593	3,510	1,618	–	3,315
– their parts/accessories	–	–	–	–	–	–	–
Sports/hunting shotguns/rifles	11,000	–	164,837	4,250	2,012	25,963	19,810
– their parts/accessories	–	538	–	–	125,132	178,886	170,763
Bombs, Grenades, Ammunition and Mines <sup>218</sup>	–	3,553,737	654,386	54,000	28,733	–	32,399
Small Arms Ammunition	–	8,855	648,074	–	22,049	40,618	23,654

It is not known what proportion of the exports captured by COMTRADE figures are re-transfers and what amount represents manufactured or surplus stocks.

The primary recipients of transfers in 1999 and 2000 were Ukraine, Russia and the Republic of Congo, in that order (see below). These exports probably consisted of surplus military stocks inherited from the Soviet Union and it is likely that these exports exhausted Georgia’s saleable military surpluses. It may also be the case that the figures include repatriated Russian SALW. This may, for example, be the case in 2000, when military weapons worth just over US\$1 million were exported to Russia. Since 2000, exports have primarily consisted of shotguns and rifles, their parts and accessories and shotgun cartridges. As the majority of these exports are transferred to Italy,<sup>219</sup> this may indicate that Georgian companies are subcontracted to an Italian SALW manufacturer:

<sup>216</sup> Interview, Kakha Katsitadze.

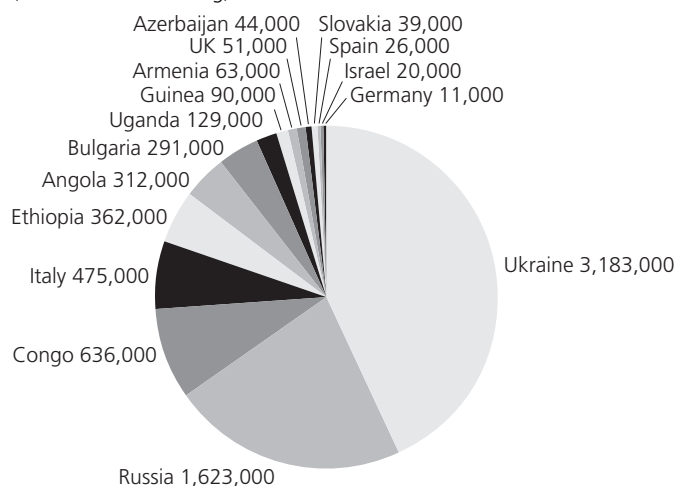
<sup>217</sup> May contain non-SALW transfers.

<sup>218</sup> May contain non-SALW transfers.

<sup>219</sup> Exports of parts and accessories of shotguns and rifles to Italy: 2002, US\$125,132; 2003, US\$178,886; 2004, 170,763.

**Figure 21: Recipients of Georgian exports above US\$10,000,<sup>220</sup> 1998–2004**

(Source: www.nisat.org)

**Transfers of concern**

While those interviewed were not aware of any transfers to sensitive destinations or transfers to states under embargo, UN COMTRADE data clearly shows that Georgia has exported considerable amounts of munitions to countries at war, those afflicted by internal armed conflicts or those bordering conflict zones. Known transfers to such destinations are:<sup>221</sup>

- Angola, 1999: US\$311,961, bombs, grenades, ammunition, mines and others
- Ethiopia, 1999: US\$361,860, bombs, grenades, ammunition, mines and others
- Republic of Congo, 2000: US\$636,340, small arms ammunition
- Guinea, 2000–2001: US\$12,000, parts and accessories of military weapons; US\$78,000, bombs, grenades, ammunition, mines and others
- Uganda, 2000 and 2002: US\$108,869, bombs, grenades, ammunition, mines and others; US\$19,954, small arms ammunition.

In the case of transfers to such sensitive or unstable destinations, there is the possibility that these weapons may have been used to commit human rights abuses or to prosecute armed conflicts. The transfers to Angola in 1999, during which time UNITA (National Union for the Total Independence of Angola) in Angola was under UN Embargo in 1999, provide one such example. While Georgian transfers were probably destined for recognised government forces and did not, therefore, contravene the embargo, the possibility existed for these weapons to be diverted to UNITA or be used to violate human rights. However, without further information on the end-use guarantees provided at the time, and in the absence of post-shipment monitoring by Georgia, it is very difficult to determine the specifics of such a case. In addition, while the UN Embargo against Ethiopia and Eritrea only came into force on 17 May 2000, Georgia's exports to Ethiopia in 1999 coincided with both a UN Non-mandatory Embargo (12 February 1999–17 May 2000) and a EU Embargo (15 March 1999–31 May 2001). Though these were not illegal, exporting to these countries showed a lack of willingness on the part of the previous Georgian authorities to ensure that transferred weapons were not used to violate human rights or perpetuate violent conflict. Past practices of exporting to sensitive destinations is also contrary to public opinion on the subject. Responses to the household survey demonstrate that the public is strongly against Georgia exporting firearms to states with repressive Governments, countries in conflict and poor countries.

<sup>220</sup> Figures rounded to the nearest US\$1000. The remaining recipients were, in US\$ (also rounded to the nearest 1000): Malaysia, 8,000; Trinidad and Tobago, 4,000; United States, 4,000; Cyprus, 2,000; India, 2,000; Unspecified, 1,000; Canada, 1000.

<sup>221</sup> Source: www.nisat.org.

Government policy and practice regarding sensitive destinations seems to have improved and there have been no reports of transfers of concern in recent years. Indeed, the Georgian Government has stated its commitment to blocking such transfers. For example, the MoD claims that a recent application to export SALW to Uganda was refused due to fears over end use.<sup>222</sup> While this is a positive example of good decision-making, improved transparency in the form of regular reporting would further reassure Georgia's international partners that no more transfers of concern will take place.

Furthermore, current controls on imports, transit and transshipment may not be strict enough to prevent the diversion of transfers to sensitive destinations or those under embargo. One prominent example of the attempted diversion of arms destined for Georgia to a sensitive destination is provided by the seizure of a Ukrainian transport in Bulgaria in April 2001. The transport was detained in Bulgaria after having sought permission to fly to Eritrea (which was under UN Embargo at the time). The transport, operated by the Ukrainian company Volare, was chartered to carry military goods from the Czech company Thomas CZ to Georgia. It is not clear what arms were being carried by the transport, with various sources quoting 30 tonnes of weapons and ammunition worth almost US\$444,000, Kalashnikov assault rifles and ammunition worth US\$300,000, arms worth US\$250,000 or parts and ammunition for D-30 howitzers. Nevertheless, the incident highlights the possibilities that exist for transfers destined for Georgia, or transits through Georgia, to end up in sensitive destinations or countries under embargo.

#### **Importers, exporters, brokers and shipping agencies**

At present, 20 gun shops are licensed to trade in firearms, of which probably only three or four are involved in importing weapons.<sup>223</sup> No official information was available on other companies and individuals registered to trade in ADGT. Neither was any information available on Georgian companies and individuals that operate as brokers and shipping agencies. Due to the lack of specific legislation regulating the activity of Georgian brokers and shipping agencies, whether operating domestically or outside of Georgia, the relevant authorities probably do not maintain a list of such companies. As a result, the research team was not able to estimate the number of Georgian companies and individuals involved in exporting and importing SALW, their shipment or brokerage of SALW transfers.

## **8.3 Border controls**

### **Enforcement at border crossing points**

Responsibility for the control of border crossing points (including international airports and ports) falls jointly to the Border Police and the Customs Department. The Border Police and Customs Department conduct weapons seizures at checkpoints jointly. However, due to the lack of a memorandum of understanding between the two organisations, the exact responsibilities of the two agencies in this area remain unclear (see section 10.1). Georgia maintains one official checkpoint on its Northern border with the Russian Federation, two checkpoints with Azerbaijan in the East, two with Turkey in the South West, and three with Armenia. A number of local border crossings, for use by local citizens, are also maintained.

According to the Customs Department, all cargo passing through Georgia's international boundaries are searched.<sup>224</sup> This would seem unlikely, as it is common international practice that only a selected proportion of cargos are searched. If only a

<sup>222</sup> Interview, Lt. Col. Khvadagiani.

<sup>223</sup> Interview, Zaza Khachidze.

<sup>224</sup> Interview, Vakhtang Lashkaradze.



proportion of cargoes are inspected, the research team is unaware of the rationale for selecting cargoes (eg random, intelligence led, result of profiling). Individuals are not routinely searched unless officials have received intelligence that they possess weapons.

While the smuggling of large quantities is thought to be practically impossible, due to searches of all cargoes, it is thought quite possible to smuggle one or two units of weapons. This is partly due to the absence of X-ray machines at most checkpoints.

### Enforcement at blue and green borders

The Border Police is tasked with guarding Georgia's green and blue borders and preventing the illicit movement of SALW and armed groups. While management of the Southern and Western green borders and the Eastern blue border by the Border Police is maintained consistently throughout the year, control of the Northern Border with Russia is more difficult due to its remoteness and the significant changes in seasonal weather conditions. As a result, this border is policed differently by the Border Police during the winter and summer seasons. As noted above, Georgia is also unable to manage its borders in areas controlled by South Ossetia and Abkhazia.

Border guards have the right to detain persons who overtly attempt to cross the Georgian border illegally, including for the purposes of smuggling, or if a checkpoint is attacked. Depending on the grounds for detention, the relevant ministries are then contacted (eg MIA, MoJ, the Prosecutor's Office). Competency for further investigation of the incident, or prosecution of the offenders, then becomes the responsibility of these agencies. While the Border Police's main area of jurisdiction remains the border zone, since 2004 the department has had the right to conduct investigations and institute criminal proceedings across the country using an 'Operative Investigation' unit. However, this unit is not fully functionally at present, as the updated 'Border Police Law' has not yet been adopted (see below).

### Investigative framework

According to the Georgian Criminal Code, trafficking in small arms through the Georgian Customs area is punishable with between three and fifteen years' imprisonment:

**Table 19: Punishments for breaches of Georgia's small arms control legislation**

Crime	Punishment	Article in criminal code
Illegal production, transfer, transportation or sale of firearms and ammunition	Imprisonment of between five and ten years	Article 236, paragraph 3
Trafficking in SALW through Georgian customs area	Imprisonment of between three and ten years	Article 237, paragraph 3
Trafficking associated with the operations of organised criminal groups	Imprisonment of between seven and fifteen years	Article 237, paragraphs 1, 3 & 4

The research team could not identify any specific arrangements for investigating potential abuses of the military and dual use goods control system, and is not aware of any prosecutions for violations of the relevant laws. If enforcement of legislation in this area is weak, this may in part be due to the current lack of law-enforcement capacity within the Border Police (see below). Georgia does, however, have a developed law-enforcement system for the investigation of serious crimes, including arms trafficking, which should be applicable in this area. Similarly to domestic small arms proliferation, SOD is tasked with combating small arms trafficking. However, neither SOD nor the border services analyse patterns of illicit firearm ownership and trafficking. As a result, a comprehensive strategy or programme to combat trade in illicit firearms has not been developed.

Poor strategic planning and capacity on small arms trafficking is reflected in the fact that the majority of household survey respondents did not think that the Government was making enough effort to combat trafficking and distribution. In total, 73 percent of all respondents thought that the Government made no effort or a small effort to restrict trafficking, while only 20 percent of respondents thought it made a big effort.

### **Administrative capacity**

The Georgian Government has paid more attention to reform of border security since the Rose Revolution, with the development of the Border Police a particular focus. In 2003, the Border Police ceased to be an independent agency and was incorporated into the MIA. Although the department is still semi-autonomous and maintains an independent budget, it is undergoing a gradual process of integration into the rest of the MIA, with the final aim of becoming a civilian law-enforcement agency. This process involves legislative changes, restructuring and retraining.

The Border Police is currently governed according to the 1994 'Law on Border Guards', which was based largely on Soviet laws and gives the department a military status. Border Police employees therefore hold military ranks and are covered by the 'Law on Servicemen'. A new 'Border Police Law' has been drafted with the assistance of the German Federal Police and the EUSR and was made public on 8 May 2006. When adopted by parliament, this law will provide a legal basis for the Border Police's civilian status and police functions. Despite these changes, the border guards would still come under the control of the Chief of Staff of the Georgian armed forces in an emergency situation.

Restructuring has entailed significant reductions in staff in 2004 and 2005. At the start of 2006, the Border Police had approximately 6,000 employees, of which roughly 89 percent fulfil guarding functions and only 11 percent have administrative functions. A central staff of approximately 180 employees is based in Tbilisi. While the Border Police still relies on around 1,000 conscripts, it should be an entirely professional service by the end of 2007.

In the past, border guards have been trained as soldiers rather than law enforcement officials. Given the Department's restructuring as a civilian organisation, (re)training is considered to be its foremost priority.<sup>225</sup> Several international actors have provided training assistance to the Department. The EU composed a three-phase curriculum for border guards based on the system developed by the OSCE for the Kosovo Police Service (KPS). The curriculum was introduced in January 2006. The first phase covers basic police training (eg police law, human rights). The second phase covers basic border police training (eg land border related legislation, maritime law). The third phase covers operative training, as required for posting to units. The first two phases are taught in the Police Academy, while the last phase is taught to graduates of the Police Academy by the Border Guard Department itself. It is hoped that this training will aid integration with the rest of the MIA, as border guards share the first phase of training with Patrol Policemen.

Reform is still at an early stage, however, and has not yet brought about major changes the Border Police's operations. In particular, restructuring has been undermined by the failure of the Border Police to identify clear strategic objectives through a trafficking risk assessment and by the failure to develop a National Border Strategy.<sup>226</sup> This has in turn made it impossible to formulate a transition plan for the Border Police, undertake an adequate job task analysis for the various levels of border guards, or update standard operational procedures to reflect the Border Police's law enforcement role. In addition, while re-training is obviously important, it is not clear how long it will take for a complete shift in attitudes to take place within the Border Police.

<sup>225</sup> Interview, Kakha Khandolishvili.

<sup>226</sup> Although one is presently under development with the support of the EUSR. Interview, Major Jan Baranovski.

This process has not been helped by frequent changes to the administration. Furthermore, there is some resistance to the restructuring from within the Border Police, due to perceived poorer working conditions. For example, border guard personnel are anxious about reductions in future income, since military pensions are higher than normal civilian pensions.

Successful restructuring also depends upon good communication and co-operation within the Border Police itself, between the Border Police and the rest of the MIA, and with other government agencies. More could be done to improve these different relationships. Although the Department considers itself to have the best communications systems in Georgia, and probably in the region, the central office in Tbilisi still has some communication problems with the Northern border, which is extremely remote and needs to be policed differently during the Summer and Winter. Furthermore, communication between the Border Police and the MIA is poor at the policy and management level. As a result, co-operation at lower levels has also suffered. This may be attributable to the fact that the present structure is still relatively new, and more time is required for the parties to adjust. Commitment to change at both the political level and within the MIA, as demonstrated by the present drafting of a new 'Border Police Law', should ensure that co-operation does improve.

In addition, the capacity of the Customs Department to uncover trafficked small arms at international border crossings might be undermined by poor training in this area. While the international community has supported training in the use of new equipment (eg weighing machines, computer systems), training in new techniques and systems for the search and control of smuggled goods, including small arms, is quite rare as such trainings are very expensive and the Customs Department cannot afford them.<sup>227</sup>

Underlying all the previous challenges is the low level of funding available to the border control agencies. Georgia's 2005 submission to the UN DDA stated that *'inadequate financing of the Georgian border guards service leads to the lack of equipment and capabilities for the prevention of illicit trafficking of arms'*.<sup>228</sup> According to the Head of the International and Legal Affairs Department, the Border Police has been underfunded in comparison with other MIA departments, due to the lower emphasis placed on border controls by previous administrations. Poor financing is reflected in low salaries and poor infrastructure (buildings and observation posts), training capacity and basic equipment.

Under-funding of the Border Police may have had a direct impact on its ability to effectively guard Georgia's borders. For example, while OSCE border monitors recorded 800 illegal border crossings in 2004 at Georgia's northern border, during the last year of the OSCE Border Monitoring Mission (see below), the Border Police has recorded far fewer illegal crossings in 2005. This may reflect a genuine reduction in the number of illegal crossings. However, it is also possible that lower capacity and poorer equipment in the Border Police plays a role.<sup>229</sup>

### **Border management information exchange**

Customs Department and Border Police officials report that numerous bilateral agreements and joint projects allow for co-operation with neighbouring and Western governments against all types of organised crime, including arms trafficking. The Border Police and Customs Department claim to have good or improving bilateral relations with all of Georgia's immediate neighbours.

Relations with the Russian Federation have been soured at times by political statements that Georgia does not control its international borders, especially regarding the

<sup>227</sup> Interview, Kakha Khandolishvili.

<sup>228</sup> Available at, <<http://disarmament.un.org/cab/nationalreports/2005/Georgia%20July2005.pdf>>, accessed 15 April 2006.

<sup>229</sup> Interview, Kakha Khandolishvili.

movement of armed groups across the Georgian border with the Republic of Chechnya. The Russian Federation has also protested that Georgia does not always fully co-operate on small arms trafficking issues. For its part, the Georgian Government has highlighted a lack of transparency on movements across the Russian borders with South Ossetia and Abkhazia.<sup>230</sup> However, co-operation between the two countries on border security seems to have improved in recent years. According to Border Police representatives, there is good co-operation between border officials (if not politicians), and in 2004, Russia and Georgia signed an agreement on information exchange between border services. This was followed by a one-year plan for joint training and co-operation, which was successfully implemented. The two border services presently have a two-year training and co-operation plan, which even has provisions for joint patrols if necessary.<sup>231</sup>

Border Police officials meet with their counterparts from Azerbaijan at the local level almost every week and field officers have stated that local level co-operation with their Azeri colleagues is very good.<sup>232</sup> Border co-operation also takes place during regular bilateral meetings and at GUAM (Georgia, Ukraine, Azerbaijan and Moldova) meetings. According to the Border Police, co-operation with the Armenian border services could be developed further. Georgia is engaged in ongoing negotiations with Armenia and Azerbaijan on establishing a joint customs regime for passenger trains. Under this agreement, only one country's customs officers will inspect each train. Georgia has a customs information-sharing agreement with Turkey and discrepancies between the data compiled by the two countries' customs services are investigated. Turkey and Georgia signed a memorandum of co-operation in February 2001 that includes improved co-operation on arms trafficking.<sup>233</sup>

The Border Police and Customs Department also co-operate with their counterparts from a number of other states on a bilateral level. The Department maintains monthly information exchanges with certain countries, including Finland, France, Estonia (and Lithuania in the near future). According to Border Police representatives, bilateral information exchange with these countries tends to be quite good. At the end of 2005, Georgia signed a customs information sharing agreement with Ukraine, similar to the agreement with Turkey. Negotiations on customs co-operation are presently underway with China and the United Arab Emirates, spurred by the high volume of traffic between Georgia and these countries and the consequent risk of goods smuggling.

Georgia also participates in a number of multilateral forums. The Georgian Customs Department has signed a number of agreements with its counterparts in the Russian Federation and Azerbaijan under the CIS framework, yet according to the Border Police, there has been no substantive co-operation on border and small arms smuggling issues within the CIS. Georgia also participates in GUAM's Virtual Law Enforcement Centre (VLEC), set up on the basis of the SECI-Centre (Southeast European Co-operative Initiative) model for information exchange. The main goal of this virtual centre (comprised of national focal points in GUAM member countries exchanging information in 'real-time', rather than being based in a physical location) is to facilitate law enforcement co-operation in a variety of areas, from terrorism to drugs smuggling and other serious crimes. Although VLEC has so far only established a Drug Trafficking Task Force, which has engaged in an interdiction operation against drug-traffickers jointly with the SECI Centre, the project is at a very early stage and could include information sharing on small arms trafficking in the future.<sup>234</sup>

<sup>230</sup> Interview, Kakha Khandolishvili.

<sup>231</sup> Interview, David Akhvlediani.

<sup>232</sup> Interview, Kakha Khandolishvili.

<sup>233</sup> Interview, David Akhvlediani.

<sup>234</sup> Correspondence with Galentin Georgiev, Euro-Atlantic Advisory Team, GUAM – VLEC Adviser, January 2006.

## International assistance

International assistance in the form of both bilateral and multilateral projects (such as the OSCE Border Assistance Mission and the EUSR's advisor mission to the MIA) has contributed greatly to Georgia's border management system. Regular informal meetings between representatives from the main donor agencies help to ensure that international assistance to improve border management is co-ordinated and well targeted. For example, the EU is providing assistance at the operative and doctrinal level (eg development of standard operation procedures) while the OSCE is implementing training programmes and the US is providing infrastructure and equipment assistance:

**Table 20: International assistance to Georgia's border controls**

Programme	Period
<b>US Embassy</b>	
<b>Georgian Train and Equip Programme (GTEP)</b>	May 2002–April 2004
Training to Border Police as part of wider training to Armed Forces	–
Provision of equipment (eg small arms and ammunition, communications gear)	–
<b>Georgia Border Security and Law Enforcement (GBSLE) program (Border Police, Customs Department, Coast Guard)</b>	Ongoing
Renovated of Border Guards' aviation maintenance facility at Alekseevsk airbase	April 2001–August 2005
Renovation of joint customs/border checkpoint at Red Bridge	March 2002–March 2003
Renovation of checkpoint, Kazbegi (northern border), Sadaxlo and Vale (southern Border)	Ongoing
Delivery ASYCUDA computerised customs management system	2002–2006
Various equipment to Border Police and Customs Department	Ongoing
Financing of Coast Guards	Ongoing
<b>EUSR Border Assistant Programme</b>	From September 2005
Development of a training programme for border guards	–
Development of comprehensive border security strategy and operational procedures	–
Mentoring of the Border Police in the field	–
Continued assessment of the Georgian border situation	–
With German Government, drafting of new 'Border Police Law'	–
Developing the new Customs Code	–
<b>OSCE Mission to Georgia</b>	
<b>OSCE Border Monitoring Mission</b>	1999–December 2004
Identify illegal crossings and trafficking along Northern Border with Chechnya and Ingushetia	–
<b>OSCE Training Assistance Programme (TAP)<sup>235</sup></b>	June 2005–June 2006
Training in Tbilisi and three regional centres along the borders with Chechnya and Dagestan	–
<b>International Organisation for Migration (IOM)</b>	Ongoing
Provides training to border guards procedures for inspecting documents	–
Provision of Personnel Identification and Reporting System (PIRS) software	–
<b>Turkish Government</b>	Ongoing
Donated sensor equipment, vehicles and communication equipment	–
Limited Border Police training on leadership and management skills	–
<b>German Federal Police</b>	Ongoing
With EUSR, draft 'Border Police Law'	–

<sup>235</sup> An extension of the border assistance programme's mandate beyond June 2006 has yet to be agreed, but it is planned to extend the training programme to all border guard regional centres.

## 8.4 Arms trafficking

While few significant incidents of small arms trafficking have been reported in 2005, several cases of either trafficking or armed groups breaching Georgia's borders are known to have occurred in the 1990s and early 2000s. The continued existence of contraband smuggling and a past history of small arms trafficking indicates that such trafficking could resume if demand for firearms increased.

### Small arms seizures

There is general agreement amongst Border Police and Customs Department representatives that trafficking in small arms does not represent a major concern for Georgia. According to figures provided by the Border Police, in 2005 border guards seized the following SALW:<sup>236</sup>

**Table 21: Border Police weapon seizures, 2005**

Weapon type	Number
assault rifle AK-74	4
assault rifle AKM	7
assault rifle AKMC	1
hand-held grenade launcher RPG-7	1
hand-held grenade launcher RPG-18	1
hand-held grenade launcher VP-18 (Mukha)	1
7.62mm ammunition	582
5.45mm ammunition	337
hand grenade RGD-5	1
grenades for hand-held grenade launcher RPG-7	3 packs
grenades for hand-held grenade launcher RPG-7 with jet-propelled launcher	18
hand anti-tank grenade RKG-3	6
dummy training grenade RKG-3	2
dummy training grenade F-1	27
dummy training grenade RGD-5	14
anti-personnel mine	1
magazines for assault rifles	39
ammunition (various calibre)	204
blank ammunition (various calibre)	2,076
5.45mm training ammunition	754
machine gun belt boxes	15
machine gun belt	7
spare barrels for 7.62mm machine gun PKT	2

The research team was unable to ascertain whether these weapons were being trafficked (or were simply seized close to the border) and whether their seizure resulted in criminal prosecutions.

These seizures figures are probably not representative of the full scale of small arms trafficking across Georgia's international borders for a number of reasons. Firstly, the state has difficulties adequately monitoring state borders, especially the northern border, with the resources available. Secondly, it may be the case, as has been stated by a number of informed sources, that border guards do not always detain armed individuals or groups near the Georgian border, if they are from border communities with a strong gun culture. This has been strongly denied by the Border Police, who maintain that all armed persons found near the border are detained, irrespective of whether they come from local communities or those with a strong 'gun culture'.<sup>237</sup>

<sup>236</sup> Correspondence with Border Police, July 2006.

<sup>237</sup> Interview, David Akhvediani.

Thirdly, deficiencies in the reporting system between the regional offices and Headquarters of the Border Police make it difficult to collate statistics on seized goods.<sup>238</sup> In addition, no assessment has been conducted into the present level of commodity interdependence of goods trafficked into and through Georgia. Perhaps most importantly, knowledge of the present level of trafficking across Georgia's borders is undermined by the fact that Georgia's border services have not yet undertaken a risk assessment of small arms trafficking.

Results from the household survey also demonstrate that illegal small arms trafficking may be more frequent than suggested by seizure figures. A total of 70 percent of all respondents thought that illegal weapons trafficking causes 'a lot' or 'some' concern in Georgia today. While respondents were less likely to think that trafficking in firearms represents a concern for their particular community, 51 percent still thought that this was the case. Focus group participants also considered trafficking to be substantial and did not think that Georgia's international borders are adequately protected:

*Now there is a flow of weapons and nobody controls the borders. Our border is not controlled at two segments – Abkhazia and Tskhinvali [South Ossetia], but we have to admit that the rest is not controlled any better than these two borders.*

Focus group B, Tbilisi, scientist, male, 45

In the absence of methodical tools that would allow a more accurate assessment of the current level of trafficking, the research team considered other information, such as public perceptions of trafficking, historic patterns of small arms trafficking and evidence of smuggling in other goods, in order to develop a picture of the threats posed by small arms trafficking at the present time. Apart from low capacity among border control agencies, the following factors might have helped facilitate small arms trafficking in the past and could do so again in the future, and should consequently be taken into account when developing a strategy to combat small arms trafficking:

- Difficult terrain along the Northern border and locals with experience of trafficking
- Lack of resolution of the two separatist conflicts
- Areas of 'grey sovereignty' along Georgia's southern international borders and cross-border communities
- Regional factors, such as the proximity of a range of conflicts, 'frozen conflicts' and post-conflict situations in the region, and the poor border management capacity of Georgia's neighbours.

### **Northern borders: Tusheti, Khevsureti and the Pankisi Gorge**

Georgia's northern border with the Russian Federation, including the Republic of Chechnya, lies along difficult and often inaccessible terrain, and as a result is difficult to guard effectively. In its 2005 submission regarding implementation of the UN PoA, Georgia stated that its Northern border is intersected by a number of poorly patrolled roads and open passages that are poorly guarded due to '*the lack of customs/border guards' posts and the complexity of terrain*'.<sup>239</sup>

The smuggling of firearms across the Northern border with Chechnya has received a high level of coverage by domestic and international media in the past. Smuggling seems to have reached a peak after the start of the second war in Chechnya in 1999, and occurred mainly in the mountainous areas of Tusheti and Khevsureti, where a number of organised groups were thought to be trafficking weapons. Goods seized by

<sup>238</sup> EUSR Border Advisory Team.

<sup>239</sup> 2005 report to the UNDDA regarding implementation of the UNPoA.

Georgian border guards in this area included grenade launchers, automatic weapons and ammunition.<sup>240</sup>

There have also been a number of incidents in which armed groups have illegally crossed Georgia's international borders. The most significant case took place in the Pankisi Gorge, a 34-kilometer-long mountainous area bordering Chechnya to the North, in 1999–2000. This was due to the arrival in 1999 of around 7,000 Chechen internally displaced persons which may have included up to 500 fighters under the command of Chechen 'warlord' Ruslan Galaev.<sup>241</sup> This led to persistent warnings from Russia over the use of the Pankisi Gorge as a safe haven by 'Chechen terrorists', culminating in the seizure of the Georgian village of Pichvi by Russian airborne troops in March 2000 and the bombing of positions inside the Pankisi Gorge by Russian planes in November 2001.<sup>242</sup> During this period, the Pankisi Gorge was to a large extent an extension of the Chechen theatre of war, and control over this area by Georgian government forces was minimal.

The tensions along the Northern border at this time led to the creation of an OSCE Border Monitoring Mission, which operated between 1999 and December 2004. The OSCE Border Monitoring Mission confirmed that movements and trafficking across the border was significant. During the last year of its operations in 2004, OSCE border monitors observed 800 illegal crossings alone, ten percent of which involved armed persons.<sup>243</sup> While a proportion of these consisted of individual local citizens, some crossings were made by groups, including horses laden with goods.<sup>244</sup>

The problems caused by Chechen incursions into Georgian territory also prompted the US to develop a significant anti-terrorist training programme for the Georgian military, GTEP (see section 1).

### **Separatist areas: Abkhazia and South Ossetia**

The separatist regions of Abkhazia and South Ossetia control more than 200km of Georgia's internationally recognised borders. As such, Georgian officials argue that they cannot monitor the situation along these borders, but believe they provide a potential trafficking route for weapons into Georgia's internationally recognised territory.<sup>245</sup> If this is true, it might indeed be relatively simple to smuggle weapons into Tbilisi-controlled territory since the Georgian Customs Department does not maintain permanent customs posts on the internal borders with these regions, though there are army checkpoints in various places. While there is no substantial evidence to prove or disprove claims of small arms smuggling into and across the separatist regions, evidence demonstrates that there is significant smuggling in common goods into Georgian-Government-controlled territory through Abkhazia and South Ossetia. Indeed, accusations of smuggling from South Ossetia provided the rationale for placing Georgian Interior Troops along the South Ossetian border in the summer of 2004 as part of an 'anti-smuggling operation'. This deployment served to create tensions in the area, culminating in a brief but fierce artillery duel and a number of casualties on both sides.

<sup>240</sup> For example: 'Georgian Guards Seize Arms Due for Rebels in Chechnya', Interfax, 27 September 1999 – 120 grenade launchers, 100 automatic rifles, other weapons and ammunition were seized on 24 September between the villages of Diklo and Omalo in Tusheti. There have also been claims that the Georgian military handed over more than 1,000 units of SALW that had been written off as stolen, to Chechen gangs in 1999. Source: 'Russia Counters Georgian Claims on Arms Smuggling', Itar-Tass, Moscow, 11 January 2000. No evidence has been provided to substantiate this claim, which has been strongly refuted by Georgia. Source: 'Russian Military in Georgia Deny Arms Trade', Interfax, Moscow, 12 January 2000.

<sup>241</sup> Op. Cit., Darchiashvili D, p. 73.

<sup>242</sup> Allison R, 'The Unresolved Conflicts in the Black Sea Region: Threats, Impacts on Regionalism and Regional Strategies for Conflict Resolution', in eds Klympush-Tsintsadze I and Pavliuk O, *The Black Sea Region: Co-operation and Security Building* (New York: EastWest Institute, 2004) pp 86–122.

<sup>243</sup> EUSR Border Advisory Team.

<sup>244</sup> OSCE Border Mission.

<sup>245</sup> Interview, Kakha Khandolishvili.



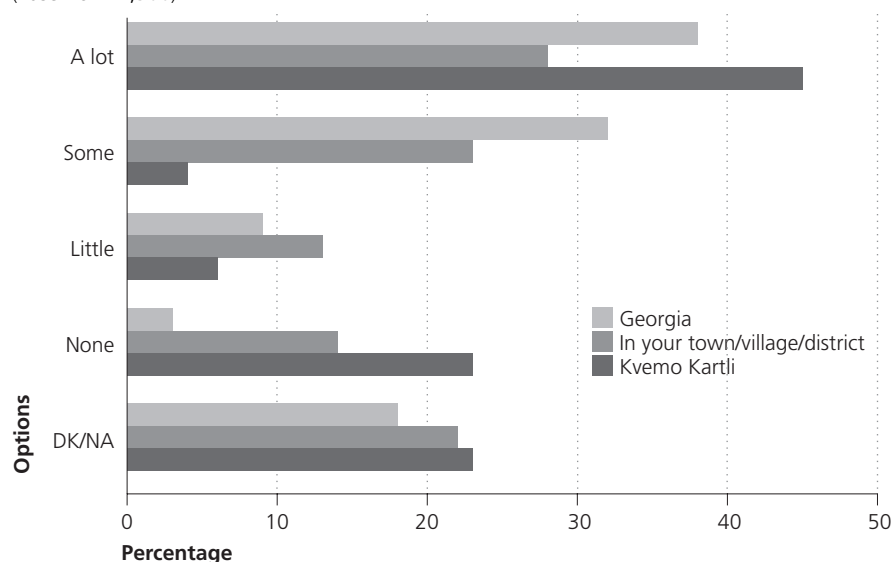
### Areas of 'grey sovereignty' and cross-border communities: the Southern borders of Kvemo Kartli and Samtskhe-Javakheti

Border control is also a concern in certain areas that are under central Government control but have problems with weak governance and still lack modern border facilities. These areas include the predominately ethnic-Armenian region of Samtskhe-Javakheti (incorporating the cities of Akhaltsikhe and Alkalkalaki) and parts of the Kvemo Kartli region, which has a large ethnic-Azeri population. The existence of areas of 'grey sovereignty' along Georgia's international borders and around the conflict zones may also have facilitated small arms trafficking. Indeed, according to a representative from the Border Police, there is thought to be more corruption, smuggling and illegal crossings on the Armenian and Azeri borders than the Northern border with the Russian Federation.<sup>246</sup>

The Kvemo Kartli region raises particular concerns in this regard. Illicit firearm holdings in Kvemo Kartli are higher than the country average (see section 3.5). While illegal firearms in the region and in neighbouring Samtskhe-Javakheti were acquired in a number of ways, a 2004 study discovered that ethnic Azeri and Armenian Georgians had sourced firearms from their neighbours across the border in Armenia and Azerbaijan during the 1992–1994 war in Nagorno-Karabakh.<sup>247</sup> The claim that substantial levels of small arms have been smuggled into this region is supported by the household survey and focus group discussions. Focus group participants and survey respondents thought that, apart from Samegrelo, all types of contraband smuggling were most frequent in Kvemo-Kartli. Responses from Kvemo Kartli indicate that small arms trafficking probably occurs more in this region than in the rest of the country, or has done so in the recent past:

**Figure 22: To what extent is illegal weapons trafficking a concern in Georgia/in your town/village/district?**

(Base No. = 1,300)



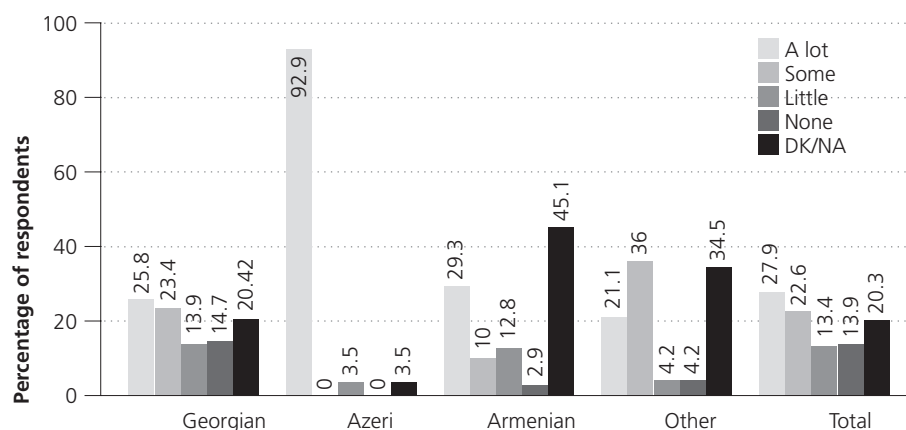
This is underlined by the fact that ethnic Azeri respondents, who were almost exclusively from Kvemo Kartli, were also more likely to think that firearms trafficking represented a problem in their community than ethnic Georgians or Armenians, and no ethnic Azeri respondents stated that trafficking represented no threat to their community.

<sup>246</sup> Ibid.

<sup>247</sup> SALW Proliferation and its Impact on Social and Political Life in Kvemo Kartli (CIPDD/GTZ, 2004).

**Figure 23: What is your Ethnic Origin/To what extent is illegal weapons trafficking a concern in Georgia/in your town/village/district?**

(Base No. = 1,300)



### Regional factors

The existence of a range of conflicts, ‘frozen conflicts’ and post-conflict situations in the region provides potential markets for firearms, potential supplies, and groups willing to provide weapons at times of increased demand. The existence of border areas outside the control of the central Government combined with a latent demand for and a ready supply of weapons means that small arms trafficking could easily re-emerge as a problem for Georgia in the future. In addition the poor border management capacity of some of Georgia’s neighbours provides further potential for small arms trafficking. Indeed, a number of interviewees were of the opinion that Georgia’s attempts to improve control of its international borders were undermined by the lack of capacity, and widespread corruption, amongst neighbouring border services. One informed interviewee suggested that it is still relatively easy to traffic weapons across all of Georgia’s international borders, with the exception of the Turkish-Georgian border, which was thought to be well policed.<sup>248</sup> In particular, it was felt that the Armenian border service did not function adequately.

<sup>248</sup> Interview, Kakha Katsitadze.

# Transparency and oversight

**SIGNIFICANT STEPS HAVE BEEN MADE** in increasing transparency on small arms issues in Georgia and in ensuring that parliamentarians and civil society have an oversight role on them. A number of parliamentary committees act as a forum for debating policy and practice on small arms issues. In addition, different layers of government have come to recognise the benefits of interaction with civil society and have been involving a range of civil society groups in policy formulation on small arms and wider security issues. For example, the MIA police academy has introduced a number of training modules developed by the OSGF, one of which covers the use of force and firearms. However, the change in attitude is no more apparent than with the MoD, which in 2005 organised a series of workshops with civil society on policy issues.<sup>249</sup>

While these changes are positive, information concerning transfers, collections and destructions, trafficking, possession and manufacturing of weapons is not made routinely accessible to parliamentarians or private citizens. Public and parliamentary oversight of security issues in general and small arms control issues in particular is therefore not systematic. While limited transparency surrounding security-sector issues is a common characteristic of countries undergoing conflict, since transparency is deemed secondary to the perceived national interest in maintaining secrecy on security issues, it can nonetheless undermine security sector reform by inhibiting informed debate about the role of the military and police and perpetuating habitual feelings of mistrust and insecurity.

Probably the best single test for levels of transparency in Georgia on small arms and wider security issues was the writing of this report. In many cases, co-operation with government officials was excellent, and much higher than in many other countries in the region. Nonetheless, levels of transparency varied widely from agency to agency. The following table summarises levels of transparency across key ministries and agencies, based on the research team's experience during the information collection phase of the research. The two key areas in which the research team found it especially difficult to acquire information were, state SALW holdings and international military SALW transfers:

<sup>249</sup> Information on these meetings can be found at <<http://osgf.ge/ccds/meetings.html>>, accessed 20 July 2006.

**Table 22: Government transparency on small arms and security issues**

<b>Government agency</b>	<b>Level of transparency</b>
<b>Border Police</b>	Majority of requested information provided, particularly information on restructuring of border management and present capacity Very good level of co-operation <i>Missing items:</i> Border Police SALW holdings
<b>Customs Department</b>	All requested information provided Adequate level of co-operation
<b>Ministry of Foreign Affairs</b>	All requested information provided Very good level of co-operation
<b>Ministry of Internal Affairs</b>	Much of requested information provided, particularly information regarding crime statistics and trends as well as details of internal procedures and modes of operation Very good level of co-operation provided <i>Missing items:</i> List of registered weapons – due to problems with information collation MIA SALW holdings List of missing/stolen weapons
<b>Ministry of Defence</b>	Part of requested information provided, particularly on stockpile management and destruction Improving level of co-operation <i>Missing items:</i> Full details of international arms transfers authorised by MTC; detailed information on the decision-making process Full details of thefts from military stockpiles Military SALW holdings
<b>Ministry of Justice</b>	All information that can be obtained legally was provided Very good level of co-operation
<b>Ministry of Economy and Trade</b>	Majority of information requested provided Adequate co-operation
<b>Ministry of Health</b>	Majority of information requested provided Good level of co-operation <i>Missing items:</i> Firearm morbidity and mortality data – due to poor recording practices
<b>Office of the General Prosecutor</b>	All information that can be obtained legally was provided Very good level of co-operation

## 9.1 Civil society oversight

Since the end of the Cold War, it has been increasingly recognised that civil society can play an extremely positive role in ‘good’ governance of the security sector, and that transparency in security affairs acts as a powerful confidence-building measure, both internationally and with one’s own public. This is equally true in the sphere of small arms controls. Georgia’s record in this sphere remains inconsistent, however. Though there have been some positive examples of co-operation between the Government and civil society on security affairs, a culture of secrecy remains across parts of the security sector that will take time to eradicate.

One example of this ‘secrecy culture’ was the decision to classify Georgia’s IPAP, even as this document was committing the Georgian Government to developing ‘*an active and co-ordinated public information strategy to ensure that the security and defence transformation and modernization, including democratic and civilian control over the*

*armed forces, is understood and supported by the Georgian people.*<sup>250</sup> This contradiction was later corrected, however, and the Government then published the document openly at the end of June 2005. The MIA appears to be more ready to make information public, recognising the importance of public relations in effective policing. Further positive examples of transparency are the professional-looking websites for the MoD<sup>251</sup> and the MIA<sup>252</sup> (which provides regular updates on crimes committed, including firearms offences).

The level of civilian engagement in security affairs is also low by Western standards. In part, this is due to the general weakness of civil society in the country. Though civil society is perceived to be more active in Georgia than in many parts of the former Soviet Union, being crucial for promoting democratic ideas and playing a major role in the Rose Revolution, it still remains weak, particularly since many of its leading lights left their organisations to join the Saakashvili Government in early 2004. Furthermore, while much international assistance was put into supporting civil society development more generally, little attention has so far been paid to encouraging civil society engagement in the security sector. The result is that few organisations have the experience to work on such issues.<sup>253</sup>

Georgian civil society also shows a low level of interest in security issues, and in questions of SALW transfers in particular. According to several interviewees, few local NGOs are *'really saying or doing much on security matters'*.<sup>254</sup> Indeed, interviewees expressed the opinion that civil society's ability to provide oversight on security issues had actually diminished in recent years. Some people argue that government policy seems less directed to active co-operation with NGOs than was previously the case, noting, for example, that civil society has not had a major role to play in the IPAP process.<sup>255</sup>

Nonetheless, a number of influential Tbilisi-based NGOs do co-operate closely with the Government both through formal mechanisms and on a personal or project basis. For example, a number of organisations formed part of a 'Civilian Council' that met regularly with officials from the MoD (including the Minister) in order to discuss items of mutual concern. Similar co-operative mechanisms have at times operated within the MIA. On the other hand, certain independent journalists have complained that they have been unofficially 'blacklisted' by the MoD,<sup>256</sup> and international actors in Tbilisi have also reported difficulties in gaining information from and access to ministry officials.<sup>257</sup> All this suggests that transparency and co-operation with civil society does not yet occur on a systematic basis and that civil society is treated with caution by some officials, yet embraced by others on a case-by-case basis.

Whatever the dynamics of Government-civil society relations, it is apparent that civil society is not adequately representing the position of the wider public. For example, opinion poll data collected for this study in December 2005 shows that the overwhelming majority of Georgians are not in favour of Georgia exporting arms to repressive governments, countries in conflict, countries that support terrorism, poor countries, countries under embargo, or even NATO member countries.<sup>258</sup> Yet, despite the high levels of disapproval for arms sales to repressive regimes, poor countries and countries in conflict, this has not translated into public action on this issue.

<sup>250</sup> Georgia-NATO IPAP.

<sup>251</sup> <www.mod.gov.ge>, accessed 12 March.

<sup>252</sup> <www.police.ge>, accessed 14 March.

<sup>253</sup> This topic is discussed in more detail in Hiscock D, 'Non governmental organisations, domestic and international, and security sector governance in Georgia' in *After Shevardnadze: Georgian Security Sector Governance after the Rose Revolution* (DCAF, 2005).

<sup>254</sup> Interview, Kakha Katsitadze; Koba Liklikadze.

<sup>255</sup> Anonymous interviewee C, civil society representative.

<sup>256</sup> Interview, Koba Liklikadze.

<sup>257</sup> Anonymous interviewee E, western diplomatic staff, Tbilisi.

<sup>258</sup> Only three percent of respondents were in favour of exporting arms to repressive governments, four percent were in favour of exporting to countries in conflict, two percent were in favour of exporting countries that support terrorism, five percent were in favour of exporting to poor countries, three percent were in favour of exporting to countries under embargo, and only 11 percent were in favour of exporting to NATO member countries.

## 9.2 Parliamentary oversight

As well as open questions in Parliament, a number of parliamentary committees provide specific oversight on small arms and security issues: the Defence and Security Committee; the Euro-Atlantic Committee; the Legislative Committee; the Foreign Affairs Committee, and the Human Rights Committee. In addition, the Parliamentary Group of Confidence has the right to demand information or evidence on any matter, including those that are related to small arms. As the majority party provides the main representation in all of these committees, the Government and the security services tend to respond to questions and investigations by these committees. However, it is argued by some that there is still no real culture of debate on security issues either within the committees or within Parliament as a whole.<sup>259</sup> In addition, it is not thought that the Parliamentary Group of Confidence utilises its privilege to investigate security and small arms issues as much as it could. Hence, while the law regarding parliamentary oversight is adequate, parliamentary implementation of its rights in this regard is poor.

While debate on wider security sector and military reform issues is more common, the only human security issues that parliament currently deals with are drugs and organised crime. Small arms issues, especially in and around the conflict zone, are considered to be more of an issue for the executive and are not generally discussed in Parliament.

In terms of arms transfers, at the present time there is no statutory requirement for reporting of arms transfer information to parliament on a routine basis. Parliamentary oversight of transfers is as a consequence conducted on an *ad hoc* basis. The Parliamentary Defence and Security Committee should have responsibility for parliamentary oversight of the transfer control system. It is not clear, however, to what extent the Committee fulfils this responsibility. While the Committee has questioned the executive agencies over a transfer of armoured personnel carriers from Ukraine, there are few known incidents of the Committee using its investigative powers in relation to SALW transfers. The one prominent exception was the raising of question in Parliament regarding the possible use of non-transparent funds for the purchase of military goods by the security services, and the subsequent report by the Minister of Defence on military spending in 2005 to the Parliamentary Group of Confidence.

One positive example of the increasing awareness of the need for parliamentary oversight in small arms matters was a Regional Parliamentary Workshop on Small Arms and Light Weapons held by the Georgian Parliament on 9–10 June 2005. The workshop was hosted by the Chairperson of the Parliament of Georgia and organised by the deputy Chair of the Human Rights Committee in association with Parliamentarians for Global Action (PGA). Its purpose was to improve knowledge within the CIS of small arms control issues, especially within the framework of the UN PoA. The workshop set a precedent for greater engagement by Georgian parliamentarians on small arms and human security issues, and was attended by representatives of the Committee of Defence and Security, the Human Rights Committee, the Foreign Affairs Committee and the Committee for Euro-Atlantic Integration. As the result of the conference a ‘*Tbilisi Action Plan*’ was adopted to encourage greater controls over small arms in Central Asia and the Caucasus (see Annex 2).

## Co-ordination and policy formulation

**WHILE GEORGIAN STATE AGENCIES CAN AND DO CO-OPERATE** on small arms control and human security issues, this co-operation often does not have a clear framework and is not guided by strategic objectives. There is currently no inter-agency co-ordination body tasked with the development and implementation of a comprehensive small arms control policy. The establishment of such a body would be an important step to combating small arms proliferation more effectively and would send a powerful signal about the priority that the Georgian Government gives to such matters. Current problems in inter-agency co-operation on international transfers and domestic small arms control are outlined below, followed by an overview of national and regional policy responses to small arms and human security issues.

### 10.1 Arms transfer controls

#### Licensing process

Current inter-agency co-operation relating to arms transfers decision-making is insufficient in a number of ways. The transfer of the MTC from the NSC to the MoD can be considered a backward step, since the MTC is now composed of MoD staff. An expert group is required to provide the MTC with a detailed risk assessment of every potential transfer.<sup>260</sup> However, the MoD is not legally obliged to consult with agencies outside of the expert group and final decisions by the MTC do not need to reflect the group's advice.

In addition, at present, decisions relating to transfers of military-purpose ADGT are taken within the MoD by the MTC, while decisions on civilian-purpose SALW and most dual-use goods are taken by the MoJ and the MoE. There are no indications that the MoJ or the MoE co-operate with other ministries over the transfers that they can authorise independently of the MTC. This is especially worrying regarding ADGT transits and transshipments that are authorised by these institutions, for which there is a higher risk of diversion to sensitive destinations or countries under embargo. Without high levels of co-operation with other ministries (eg the Ministry of Foreign Affairs – MFA) it is difficult for the MoJ and MoE to make informed decisions on arms transfer licences.

<sup>260</sup> Correspondence with Mamuka Kikaleishvili, Ministry of Defence, June 2006. The expert group is staffed with experts from the MFA, MIA, MoJ, Ministry of Environmental Security and Natural Resources, Ministry of Economic Development, Ministry of Finances, Ministry of Defence and Special State Guard Service.

### Border management process

All interviewees agreed that co-operation between the Customs Department and the Border Police in combating small arms trafficking has traditionally been poor and is still not efficient. Previous low levels of co-operation were the result of competition between the agencies. This has been compounded by the continued absence of either a Memorandum of Understanding between the two organisations or standard operational procedures guiding joint operations. Co-operation appears to be improving, however, as the result of legislative initiatives and the implementation of joint operations at border crossings. One objective of the draft border guard strategy that is under development with the support of the EUSR is to improve co-operation in the sphere of border management.<sup>261</sup> As such an agreement of co-operation between the two agencies, based on EU best practice, is also currently being drafted.<sup>262</sup> Legislation is especially necessary to clearly define the responsibilities of border guards and customs officials at shared checkpoints, such as the Red Bridge checkpoint, on the Azeri border. Co-operation at Red Bridge, where border controls are conducted in parallel with customs controls, is quite good and sets an example of how co-operation can be developed at other checkpoints. However, according to the Customs Department, at this stage such co-operation and exchange of information is only possible at the Red Bridge checkpoint, as adequate infrastructure is lacking elsewhere.

## 10.2 Controls over civilian ownership and use

It appears that currently there is limited interagency co-operation regarding domestic small arms control. Due to the absence of procedural guidelines, there is no practice of consultation or information sharing on small arms control between the relevant agencies. For example, neither the MIA's Information Department nor the central Permissions Department is aware of the number of hunting and sports firearms registered by the Patrol Police in the regions. Meanwhile, figures for registered rifled weapons are kept centrally, so regional police do not have figures for the total number of weapons kept in each region. Although one police interviewee made reference to a planned internal computer network that would allow access to a range of information, including firearm registrations, no detailed information was available on when the network would be ready.

There is also room to improve information exchange between the Permissions Department and the Customs Service. At present, the Customs Service does not inform the Permissions Department about the number of weapons that have been imported into Georgia. Rifled weapons intended for sale in Georgia pose a particular problem in this regard, since the Permissions Department is not aware that such weapons have entered the country until they are presented to the Department following acquisition by a licensed civilian. In the case of hunting and sporting weapons, the Permission Department is not informed at any point.

In addition, while the MoH is responsible for collating information on firearm related injuries, it did not have information on the number of firearm-related suicides that have occurred in Georgia, as firearm-related deaths are defined as suicides or homicides at a later stage by the MIA. The lack of access to this information obviously undermines the MoH's ability to assess the country's health problems and plan for its health needs. Similarly, it is not clear to what degree hospital staff co-operate with the police on firearm-related injuries.

Finally, the operations of Georgia's civilian control system have been severely undermined by its failure to create a State Weapons Register. In order for this register to be created it will be necessary for all relevant state agencies to agree on a categorisation of

<sup>261</sup> Interview, Major Jan Baranovski.

<sup>262</sup> Interview, Kakha Khandolishvili.



weapons, especially regarding the distinction between civilian and military weaponry. It is apparent that an inter-agency group working on small arms issues would provide the most suitable forum for such inter-agency co-operation.

### 10.3 National level response

For reasons outlined in the introduction to this report Georgia's response to its small arms problems has been inconsistent throughout the post-Soviet period. In mid-2006, at the time of writing, the national level response is still uncertain. While small arms control has in the past been undermined by weak state capacity to undertake arms control measures, an ineffective law enforcement system, ineffective state border controls and the lack of a central body (national commission) tasked with guiding policy on small arms control and its implementation, have meant that no one agency has taken responsibility for:

- Creating and implementing a national strategy to control small arms
- Ensuring high levels of inter-agency co-operation and information
- Ensuring implementation of international agreements in this area, such as the UN PoA.

As a result, co-ordination between the various government ministries and agencies responsible for combating Georgia's small arms control problems has traditionally been poor, both at the level of policy and operations. The Georgian Government recognised these problems in 2005 and at a seminar organised by Saferworld and CIPDD in March 2005, the Government announced that it intended to set up an inter-agency group, or 'national commission', that would bring together all of the key government agencies that play a role in small arms control. This announcement was repeated in Georgia's submission to the UN DDA in 2005 regarding implementation of the UN PoA, according to which the establishment of the Interagency Group was as a result of the '*need to establish a separate body dealing specifically with matters of small arms control*' and would '*improve internal co-ordination*'.<sup>263</sup> The inter-agency group was to be composed of representatives from all the key ministries<sup>264</sup> and was to have the following responsibilities:<sup>265</sup>

- Commission an independent report to comprehensively analyse all aspects of the small arms problem and provide the basis for development of a national strategy to combat small arms proliferation
- Create an integrated database of weapons (including SALW), military equipment, ammunition and dual-use goods
- Submit recommendations to the MTC
- Together with relevant Georgian NGOs, carry out research on weapons circulation volume and its effect on the population
- Conduct a multi-dimensional analysis taking into account the crime rate, public opinion of weapons proliferation and the capabilities of different state institutions.

The present study was intended for use by the Interagency Group as '*...a sound basis for the development of a national strategy to combat small arms proliferation*'.<sup>266</sup>

While the Interagency Monitoring Group on Small Arms control was established under the NSC's Permanent Inter-agency MTC in June 2005, by October 2005 this group had already ceased functioning following the MTC's transfer from the NSC to the MoD. Since the Inter-Agency Group was disbanded no overarching structure exists

<sup>263</sup> <<http://disarmament.un.org/cab/nationalreports/2005/Georgia%20July2005.pdf>>, accessed 16 May 2006.

<sup>264</sup> NSC staff, MoD, MOIA, MoJ, Ministry of Economic Development, MFA, General Prosecutor's Office, Special State Protection Service, State Procurement Agency, National Investment Service, Enterprise Management Agency, Technical Supervision State Inspection, Ministry of Finance and Customs Office.

<sup>265</sup> <<http://disarmament.un.org/cab/nationalreports/2005/Georgia%20July2005.pdf>>, accessed 16 May 2006.

<sup>266</sup> Ibid.

within the Georgian Government to guide policy development, oversee its implementation and co-ordinate the work of different ministries and departments on small arms issues.

## 10.4 Regional level response

There are currently no regional mechanisms or initiatives for combating illicit arms trafficking and preventing the proliferation and misuse within the Caucasus region as a whole. The lack of a framework for co-operation on this issue undermines national attempts by the Georgian Government to bring domestic small arms proliferation and misuse under control. As such, little progress has been made on this issue since a roundtable in Tbilisi on curbing arms transfers as a conflict prevention strategy in the South Caucasus in April 2000.<sup>267</sup> This roundtable meeting highlighted the need for such co-operation, either within existing regional security and political frameworks, such as the CIS, GUAM and the Black Sea Economic Co-operation (BSEC), or through the establishment of a Stability Pact for the Caucasus, similar to the South Eastern Europe Stability Pact. The establishment of a regional framework on curbing small arms proliferation and misuse would provide the opportunity to develop and implement a Regional Action, which could include measures to:<sup>268</sup>

- Strengthen national capacity and regional operational co-operation in preventing and combating small arms trafficking
- Strengthen controls on transshipments of arms through the Caucasus
- Improve systems to trace illicit flows in the region
- Strengthen controls on legal possession and transfers in arms
- Improve weapons stockpile management and security and promote the destruction of surplus and confiscated weapons
- Enhance transparency, information exchange, consultation and democratic accountability on arms flows in the Caucasus
- Ensure arms control measures are incorporated into ongoing reforms of the security sector.

The difficulties of establishing a Caucasus-wide framework to co-ordinate small arms control initiatives are understandable given the recent history of intra- and inter-state wars, the unresolved 'frozen conflicts' and the often-hostile relations between various states in the region. Nevertheless, recent experiences in South Eastern Europe, Central America and East and West Africa have demonstrated that regional co-operation mechanisms can have a major impact on stability and reduce arms proliferation. Indeed, no matter how much effort the Georgian Government makes to prevent small arms trafficking from or through its territory and combat small arms proliferation and misuse internally, these measures can never be completely successful unless Russia, Armenia, Azerbaijan and Turkey are also engaged on this issue. Such a framework would recognise that '*many of the problems associated with light weapons proliferation – conflict, insecurity and crime – are regional in scope*'.<sup>269</sup>

<sup>267</sup> Van Hoya E, Davis I, *Small arms – large measures: Curbing arms transfers as a conflict prevention strategy in the South Caucasus*, report of the EastWest Institute and Saferworld roundtable held on 15–16 April 2000 in Tbilisi.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

# Recommendations

**THE GEORGIAN GOVERNMENT** has made impressive progress on a whole range of small arms control issues in the last decade, especially given the difficult conditions in which state controls have had to be imposed. The Government should therefore be praised for its proactive stance on these issues, especially in recent years. While this is the case, much still needs to be done in order to minimise the potential for further small arms proliferation, combat the negative implications of the availability of small arms within the country and improve transparency and accountability in this area. The following section provides a number of measures that the research team recommend to the Georgian Government, civil society and the international community in order to meet these outstanding challenges.

## To the Georgian Government

### Improving human security and reducing the impact of small arms misuse

The principal focus of any small arms control programme should be to reduce the impact of small arms misuse on society. Substantial progress has already been made to improve the Government's law enforcement and crime prevention ability. However, additional measures in two linked areas – weapons collections and the provision of security – are needed to tackle illicit firearms possession and misuse by the general public.

#### Collect and register weapons

- Hold an internal review of the current open-ended amnesty to assess its effectiveness and consider the introduction of time-limited amnesty periods that are preceded and followed by law enforcement drives.
- Run small arms awareness programmes to challenge widespread public acceptance of weapons possession. These campaigns should be targeted particularly at those communities or social groups that exhibit significant demand for weapons (Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli and young people).
- In order to maximise the chances of success, a comprehensive assessment of the attitudes and perceptions of Georgia gun owners should be carried out in each targeted region during the preparation phase of any collection campaign.
- Run tailored collection campaigns in areas with high levels of illegal possession (eg Samegrelo-Svaneti, Kvemo Kartli) and specific dynamics of illegal firearm ownership (eg Ajara), taking into account the drivers for illegal ownership in each case.
- Encourage the legalisation of illegally held weapons in remote parts of Georgia, such as border communities in the mountainous North. Adopt special provisions to allow people in such communities to legalise their weapons without travelling to Tbilisi (eg mobile registration units).

- Ensure that voluntary weapons collections are supported by public campaigns designed to inform the public and change attitudes towards firearms possession. Involve non-state actors in promoting amnesties (eg civil society organisations, celebrities).
- Any future weapons collection programme should take account of national SALW survey findings on the attitudes, perceptions and past behaviour of different social groups in Georgia.

#### **Improve the Government's ability to provide security**

- Based partly on information contained in this report, create a police strategy for tackling firearm-related crime and illegal ownership that can be integrated into a wider small arms control programme (see below).
- Enhance the capacity of the Special Operative Department to analyse patterns of illegal firearms ownership and firearms misuse.
- Target police responses against firearms crime in areas identified as suffering most extensively from firearms crime: Tbilisi, Samegrelo-Svaneti, Imereti, Shida Kartli and Kvemo Kartli. Ensure that such responses are co-ordinated with comprehensive awareness-raising and collections campaigns.
- Record domestic violence (including domestic violence involving firearms) as a separate crime rather than as a motive for crime.
- Enforce strict penalties for the illegal possession and use of firearms and ensure that the application of fines and plea bargaining is fair and consistent and does not unduly favour particular groups.
- Review state agencies' policy and training in the use of force to ensure that firearm use by police officers corresponds with *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* and does not threaten public safety.
- Review the possibility of extending Patrol Police activities to rural areas and town suburbs.
- Review ways in which public-police relations, and especially relations with minority groups, could be improved. Potential methods for improving relations including the adoption of community based policing models and community safety programmes.

#### **Improving control of legal weapons**

Enhanced control over the ownership and use of legal weapons is fundamental to minimising the potential for the misuse of firearms. Improvements should be sought in three linked areas: legislation; government capacity and public knowledge; and control of the private security industry.

#### **Improve legislation on civilian firearm ownership**

- Amend primary and secondary legislation to require that all applicants for firearm licences undergo and pass a standard training course in the use and storage of firearms before being issued with a licence.
- Amend legislation to include a provision requiring applicants for self-defence weapons to provide justification of the need to own such a weapon.
- Publish a State Weapons Register defining the types of weapons that can be legally owned by civilians.
- Amend legislation to include a provision permitting the Police to inspect weapons and their storage facilities within the home, and permitting the Permissions Department to inspect the weapons inventory of gun shops and other weapon traders.
- Ensure that the Permissions Department is informed of all weapons imported into the country by both the Customs Department and the importing company.

- Increase fines for late re-registration of weapons in order to provide an incentive for weapon owners to re-register their weapons in a timely manner.

#### **Increase government capacity and public knowledge**

- Continue support for the implementation of a well-resourced and professional weapons registration system:
  - On the basis of a needs assessment develop an incremental plan for building capacity and linking the licensing system with future collection campaigns
  - Approach external donors for support to enhance the recording system and licence database.
- Minimise the potential for corruption in the licensing system through random inspections and audits of regional Patrol Police licensing departments.
- Carry out a national registration campaign, appealing for owners to re-register their weapons.
- Widely distribute information materials on the licensing system. Translate the relevant laws into Azeri and other non-Georgian languages and distribute information packs on firearms registration to minority communities.

#### **Improve control of the private security industry**

- Make public the existing internal Ministry of Internal Affairs instructions on the private security industry.
- Introduce specific legislation to regulate the activities of private security companies and private detective agencies. This legislation should provided for: time-limited licensing of companies; oversight and enforcement, including a clear division of responsibility between government agencies for regulating the industry; use of firearms and force; training and professionalism; and transparency and accountability.
- Make specific reference in the new legislation to regulation of internal security divisions.

#### **Ensuring strong controls of state arms holdings**

High control standards are required for state weapons holdings to prevent them being misused or creating other health and security threats. Government policy in this area has already progressed well. The following steps are suggested for further improvements.

#### **Ensure appropriate arms holdings by state agencies**

- Use procedures based on objective criteria linked to force structures to regularly identify spare and surplus SALW and ammunition stocks for disposal (see below).
- Ensure that imports of SALW for military use are in line with Georgia's national security structure and meet Georgia's needs as identified in a comprehensive threat assessment.

#### **Ensure small arms destruction**

- Destroy excess and obsolete SALW and ammunition in accordance with Georgia's international obligations (eg NATO IPAP, OSCE Document on SALW, UN PoA) and raise public awareness of the importance of destroying surplus and obsolete SALW and ammunition.
- Implement a comprehensive inventory to establish surplus stocks of ammunition with a calibre greater than 23mm.
- Increase transparency of the destruction process through the provision of a detailed public report on the number and types of weapons to be destroyed, and the destruction cost per unit, as well as by allowing for independent inspection of all destructions.

- Review government policy on seized weapons so that all such weapons are destroyed rather than re-distributed amongst government agencies.

#### **Improve stockpile management**

- Conduct a needs assessment of security systems together with international partners and make more information on Georgia's stockpile security needs publicly available.
- Identify and commit the resources necessary to enhance security systems at stockpiles; approach foreign donors where required.

#### **Strengthening the regulation of international arms transfer controls**

Progress in improving Georgia's legislative and regulatory framework for the control of international arms transfers has been good, and most types of transfer are now controlled according to a system established in law. While this is the case, current legislation can still be improved. In addition, the decision-making process for arms transfers could be further developed in one of two ways. One way is to improve the implementation of the current export control system, particularly the organisation and work of the Military Technical Commission. Alternatively, these issues could be addressed by creating an independent export control agency or an inter-departmental Military technical Commission.

#### **Amend the relevant legislation**

- Include specific references to brokering in relevant legislation. Refer to international guides and documents where available (such as the legal definition of brokering and the distinctions between brokering and shipping companies in the *EU Code of Conduct on Arms Exports*).
- Insert specific provisions into legislation to ensure that transshipments of SALW are inspected upon entry into, and exit from, Georgia's customs territory.
- Require transfers to recognised state bodies to be accompanied by an end-user certificate, in accordance with the OSCE Handbook of Best Practices on Small Arms and Light Weapons and the User's Guide to the *EU Code of Conduct on Arms Exports*. Include the right to verify delivery by post-shipment checks in all contracts and explore workable mechanisms to put in place end-use monitoring and verification to ensure that arms transfers are used at the point of receipt as envisaged.
- Amend the Law on Export and secondary legislation so that re-exports from Georgia can only be conducted following consent from the country of origin.
- Require that all proposed arms and dual-use goods transits are reviewed within the Military Technical Commission (or an inter-agency group) prior to licensing.
- Make the issuance of all arms transfer licences the responsibility of the Ministry of Justice and Ministry of Economy and Trade.
- Undertake a feasibility study on bringing the parallel control systems for the transfer of hunting weapons and arms, military goods and equipment under a single system.
- Review the role of the office of the President in transfer control policy and practice with a view to significantly downgrading or eliminating this role.

#### **Option A: Improve the work of the Military Technical Commission**

- Adapt the legislative and regulatory framework to ensure that a range of government agencies – including the MFA, the MIA, the Customs Department, the Border Police, the MoE, the MoJ, and the MoD – are all required to determine whether proposed transfers are suitable according to criteria, such as those set out in the *EU Code of Conduct on Arms Transfers*.

- Publish clear and transparent operating procedures for the Military Technical Commission, stipulating, *inter alia*: when to meet; the format of meetings; decision-making procedures (ideally each agency would have a veto on issuance of licences); and information sharing.
- Expand the remit of meetings to include regular information exchange on issues such as: violation of Georgian and international law by licensed companies; diversion of licensed transfers to other destinations; arms exporters, brokers and shipping companies of concern.
- Clearly state all criteria for licensing decisions in national legislation and ensure that they comply with best international standards, such as the *EU Code of Conduct on Arms Exports*.
- Undertake a needs assessment of the Military Technical Commission's capacity to execute strict transfer controls.

#### **Option B: Create a national arms trade control agency**

A national agency for controlling the trade in arms and dual-use goods and technologies would:

- Consider all arms transfer licence applications on a case-by-case basis by an inter-agency group drawn from a range of government ministries and departments, with detailed criteria-based assessments of the risks associated with each transfer being a core part of the decision-making process.
- Employ its own expert staff.
- Report to the Prime Minister or Deputy Prime Minister.
- Conduct all necessary background checks and research, including on-the-spot inspections before issuing licences and permits.
- Control transactions at various stages and be responsible for contacting the authorities in end-user countries.
- Co-ordinate the work of all other institutions in matters related to arms and dual-use goods controls.
- Maintain a database of all transactions and detailed information on all manufacturers, brokers, authorised transport companies, end-users and arms producers.
- Prepare materials and train law-enforcement agents or civil servants.
- Keep track of, and exert control over, significant domestic transfers of arms and dual-use goods and technologies.

#### **Improving border management policy and practice**

There is a great deal of positive momentum in current reforms to the Border Police. However, the process is still held back by a lack of clear objectives and a transitional plan. In order to support further reforms, the Government should:

- Ensure that border reform continues by providing the necessary support, financing and legislative changes, such as adoption of the new 'Border Police Law'.
- Review data collection and collation systems to identify how disaggregated information on different categories of border incidents can be compiled and released. Such reviews also allow for analysis and targeted profiling of the trafficking threat to different regions and assist intelligence led operations.
- Identify clear strategic objectives by conducting a risk assessment and developing of a National Border Strategy; include specific references to small arms control in this strategy.
- Map out a transitional plan and timeframe for meeting strategic objectives, including:
  - The development of an adequate job task analysis for various levels of border guards and the establishment of standard operational procedures

- Increased financial support for restructuring.
- Increase MIA/Border Police co-operation through: information exchanges; joint strategic planning; joint anti-trafficking initiatives; joint prosecutions and investigations on small arms crimes.
- Adopt a Memorandum of Understanding between the Customs Department and Border Police at the earliest possible opportunity as a step towards an integrated border management strategy. Include standard operational procedures in the memorandum on: joint working arrangements; joint information exchange arrangements; modes of routine communication; joint training on anti-trafficking and investigative skills.
- Strengthen anti-corruption measures by raising wages, rotating staff among checkpoints and carrying out internal inspections.

### **Increasing transparency and government accountability**

Improved government accountability is key to ensuring high levels of control over small arms proliferation and misuse. In particular, the Government should encourage parliamentary involvement in this area and engage more actively with civil society:

#### **Improve government transparency on small arms issues**

- Publish annual reports on arms transfers containing details of the type, quantity, value, destination and end-use of goods licensed for export and/or exported. This report should also include information on licences issued and denied, including the reasons for denial, in order to allow for the scrutiny of licensed transfers against the established licensing criteria.
- Prepare an inventory of all state SALW holdings and share with relevant international partners.
- Allocate a government agency with responsibility for providing information on Georgia's transfer control system and all past Georgian transfers.
- Ensure full and timely reporting on small arms issues to relevant international fora, such as the UNDDA, the UN Register of Conventional Arms and the OSCE.

#### **Strengthen parliamentary oversight**

- Introduce legislation requiring statutory reporting to parliament on arms transfers, military procurement, arms trafficking and border management, and civilian small arms control policy and practice.
- Allow the Parliamentary Committee on Security and Defence to scrutinise decisions on arms transfers both before and after the transfer is made. This Committee should have the statutory duty to call ministers and officials from state agencies responsible for transfer decision-making to provide evidence *in camera*, and should publish an annual review on the enforcement of arms transfer legislation and regulations.

#### **Engage more deeply with civil society**

- Implement Georgia's obligation under IPAP to strengthen public involvement in security affairs.
- Invite civil society organisations for public hearings in Parliament on small arms issues.
- Establish civil society-Government working groups on security issues.
- Ensure that civil society is represented in a national commission on small arms and human security issues.
- Include civil society representation in Georgian delegations to all meetings regarding the UN PoA.



### Improving co-ordination and policy formulation

Insufficient government co-ordination and poor policy formulation is probably the most serious impediment to greater control of small arms proliferation and misuse. The following measures are recommended:

- Create a high-level, national small arms control co-ordination agency to co-ordinate policy and practice, made up of representatives of all government departments concerned with conventional arms control. Appoint a single National Focal Point to liaise internationally.
- Develop a comprehensive national small arms strategy, informed in part by the survey findings, to guide the Government's work on small arms control. Ensure the strategy includes: weapons registration, collection, destruction, stockpiling, production, transfers, civilian licensing and possession by non-state actors, public education, anti-trafficking and law enforcement. Include all relevant agencies in drafting the strategy to ensure their support for it.
- Pursue a regional agreement on co-operation on small arms and anti-trafficking issues, possibly through the GUAM Virtual Law Enforcement Centre, a forum for voluntary customs and police information exchanges.
- Ensure that all relevant agencies provide the necessary information and support to officials who are responsible for submitting data on small arms control to international and regional organisations.
- Clarify Georgia's position regarding current international debates and proposals for a binding international arms transfer treaty.

### To the international community

The international community has been instrumental in improving Georgia's small arms control capacity in a number of areas, such as border controls and policing. Such international support must continue to ensure that Georgia has the political will, institutional knowledge and administrative capacity to continue with reform of small arms control issues. It is recommended that the international community:

- Provide technical support to the Georgian Government in drafting the required changes to legislation, guidelines and operative provisions outlined above.
- Ensure that, where possible, support for small arms control is integrated into a broader framework (such as a national strategy) for weapons management in Georgia.
- Ensure that support for small arms control is integrated into wider security sector reform programmes. In particular, it is recommended that the EU develop security sector reform programmes that include support for small arms control, in accordance with the principles developed in the 2005 and 2006 *EU Security Sector Reform Concepts*.
- Ensure that international assistance is co-ordinated and well targeted through regular donor meetings and workshops.
- Ensure that relevant international agreements with Georgia, such as the EU-Georgia Action Plan, make specific reference to small arms control issues.
- Provide the technical support necessary to assist Georgia in becoming fully compliant with its international commitments on small arms under the OSCE Document on SALW, the UN PoA and the EU SALW Strategy (pending any such future commitment by Georgia).
- Provide support to NGOs and the media to build local capacity to analyse and monitor small arms and human security issues.
- Encourage information exchange between Georgian Members of Parliament and their counterparts in countries with developed mechanisms for oversight of small arms control issues.

- Help the Georgian authorities to check compliance with end-user and delivery verification certificates through diplomatic representations in export destination states where no Georgian representation is available.
- Provide continued international support to border management reforms.
- Continue to offer support for stockpile security upgrades and destructions of weapons that pose a threat to security or public safety.
- Encourage the re-formation of an inter-agency group on small arms issues.

### To civil society

Improved small arms control in Georgia is dependent upon civil society input at both the policy and practice level. While there are outstanding examples of civil society involvement in small arms issues, overall involvement is poor. It is recommended that civil society:

- Becomes more engaged in small arms issues, by:
  - Devoting funding and resources to research and advocacy on small arms issues, asking for donor support where relevant
  - Forming networks of NGOs interested in small arms issues to ensure that expertise in this area is mainstreamed and NGO activities co-ordinated.
- Support awareness raising at the community level on small arms issues such as the licensing system, the negative impacts of small arms misuse and government collection campaigns.
- Develop initiatives to reduce the threat of small arms misuse through measures such as community safety workshops.
- Encourage the agreement of voluntary codes of conduct within the private security industry in order to promote best practice.
- Monitor national practice on international arms transfers and licensing decisions to ensure that they are in line with international best practice.
- Monitor the use of force and firearms by state agencies so that policy and practice in this area meets with the principles set out in the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.
- Ensure enhanced parliamentary knowledge on small arms issues and engagement with policy making in this area through:
  - Parliamentary trainings
  - Briefings on different aspects of government policy and practice on small arms control
  - Information exchange through working groups and committees.

## ANNEX 1: Key informant interviewees and focus groups

Name	Organisation	Place	Date
David Akhvlediani	Border Police	Tbilisi	12.06.06
Johnny Bakuradze	Chief Batumi Patrol Police	Batumi	18.01.06
Levan Baramidze	Head of Public Health Department, Ministry of Health	Tbilisi	20.01.06
Major Jan Baranovski	EUSR Ministry of Interior Adviser	Tbilisi	20.01.06
Major Miroslaw Bednarczyk	EUSR Border Guard Adviser	Tbilisi	20.01.06
Kakha Chikovani	Deputy Secretary, National Security Council	Tbilisi	16.12.05
Irakli Chimakadze	Chief Kutaisi Regional Police	Kutaisi	17.01.06
Davit Chkhartishvili	Editor, Adjara Newspaper	Batumi	18.01.06
Giga Chogovadze	Mayor of Kutaisi	Kutaisi	17.01.06
David Darchiashvili	Executive Director, Open Society Georgia Foundation	Tbilisi	15.03.06
Zaza Davitadze	Secretary of Sakrebulo	Batumi	17.01.06
Torsten Derrick	EUSR Border Assistance Mission	Tbilisi	12.06.06
Giorgi Dolidze	Deputy Head, Arms Control and Security Department, Ministry of Foreign Affairs	Tbilisi	16.12.05
Murman Dumbadze	MP, Supreme Council of Ajara	Batumi	18.01.06
Andrea Dvali	Senior Specialist, Department of International Relations, Ministry of Economy and Trade	Tbilisi	20.12.05
Lt. Col. Zbigniew Fec	OSCE Mission to Georgia	Tbilisi	01.12.05
Merab Gergaia	Chief of Regional Police, Zugdidi	Zugdidi	19.01.06
Giorgi Gogiberidze	Head of Licence Department, Ministry of Justice	Tbilisi	20.12.05
Markus Gorol	International Civilian Police	Zugdidi	19.01.06
Ryan Grist	OSCE Mission to Georgia	Tbilisi	01.12.05
Niyazi Jalagania	Deputy Prosecutor	Zugdidi	19.01.06
George Jokhadze	Head of Analytical Services, Office of the Prosecutor General	Tbilisi	11.05.06
Davit Kasradze	Chair of Batumi Sakrebulo	Batumi	18.01.06
Kakha Katsitadze	Military expert	Tbilisi	16.01.06
Zaza Khachidze	Head of Licence Department, Ministry of Interior	Tbilisi	19.12.05
Lt. Col. Khvadagiani	Head of Logistics Department, Ministry of Defence	Tbilisi	15.03.06
Kakha Khandolishvili	Head of International and Legal Affairs Office, Border Police	Tbilisi	16.12.05
Mamuka Kikaleishvili	Head of Law Department, Ministry of Defence	Tbilisi	15.12.05
Vakhtang Lashkaradze	Head of Information Department, Customs Department	Tbilisi	20.12.05
Richard Lax	EC Delegation to Georgia	Tbilisi	09.03.06
Koba Liklikadze	Military Observer, Radio Liberty	Tbilisi	14.01.06
Giorgi Manjganadze	Deputy Minister of Foreign Affairs	Tbilisi	16.12.05
Rory McCorley	Training Assistance Mission, OSCE Mission to Georgia	Tbilisi	08.05.06
Irakli Mchedlishvili	Project Director, Civil Council on Defence and Security	Tbilisi	08.03.06
Lado Mgaloblishvili	'Anti-Corruption Council' NGO	Batumi	18.01.06
Giorgi Muchaidze	Director of International Relations Department, Ministry of Defence	Tbilisi	15.03.06
Mamuka Mujiri	Deputy Minister of Defence	Tbilisi	06.12.05
Maria Van Ruiten	Project Manager, Conflict Rehabilitation, Mine Action and Energy, EC Delegation to Georgia	Tbilisi	09.03.06
Natia Surguladze	Vice Mayor of Batumi	Batumi	18.01.06
Irodi Toradze	Head of shift at the Red Bridge, Border Police	Red Bridge	21.01.06
Shota Utiaishvili	Head of Information Department, Ministry of Interior	Tbilisi	16.12.05
Giorgi Volskii	Deputy State Minister for Conflict Resolution	Tbilisi	14.03.06
<b>Anonymous interviews</b>			
Anonymous interviewee A	Public security official	Tbilisi	08.03.06
Anonymous Interviewee B	Foreign affairs official	Tbilisi	12.05.06
Anonymous interviewee C	Civil society representative	Tbilisi	15.03.06
Anonymous Interviewee D	International military adviser	Tbilisi	13.03.06
Anonymous interviewee E	Western diplomatic staff	Tbilisi	15.03.06
<b>Hospital interviews</b>			
Aslan Aslanishvili	Surgeon, Bolnisi hospital	Bolnisi	23.03.06
Nukri Jokhadze	Director, Gori hospital	Gori	03.04.06
Zurab Shalamberidze	Reception Manager, Republican hospital	Tbilisi	31.03.06
Nikoloz Lominadze, Tamaz Gvenetadze, Otar Tatishvili, Zurab Chkaidze and Guram Ubilava	Surgeons, Ghudushauri hospital	Tbilisi	22.03.06
Guliko Shoshiashvili	Nurse, Telavi hospital	Telavi	27.03.06

Name	Organisation	Place	Date
<b>Private security company interviews</b>			
Anonymous	Manager, Daraka Ltd	Tbilisi	06.04.06
Anonymous	Manager, Aligator Ltd	Tbilisi	06.04.06
Zviad Abesadze	Manager/owner, Guarantor of Security of People and Property Ltd	Tbilisi	07.04.06
Anonymous	Owner, ISG Ltd	Tbilisi	08.04.06
Anonymous	Manager, Voltra Ltd	Tbilisi	10.04.06
<b>Gun shop interviews</b>			
Vadim Mamuchashvili	Manager, Gun shop A	Tbilisi	03.04.06
Anonymous	Manager, Gun shop B	Tbilisi	03.04.06
Anonymous	Manager, Gun shop C	Tbilisi	03.04.06
Anonymous	Manager, Gun shop D	Tbilisi	04.04.06
Jimi Kurdadze	Manager, Gun shop E	Tbilisi	04.04.06
Anonymous	Manager, Gun shop F	Tbilisi	04.04.06
<b>Focus Group Discussions</b>			
Focus Group A (9 participants)	Mixed men and women aged 25–34	Tbilisi	05.12.05
Focus Group B (9 participants)	Mixed men and women aged 35–65	Tbilisi	05.12.05
Focus Group C (10 participants)	Ex Law enforcement officers	Tbilisi	06.12.05
Focus Group D (11 participants)	Ex Law enforcement officers	Tbilisi	14.12.06
Focus Group E (10 participants)	Women aged 25–60	Tbilisi	01.01.05
Focus Group F (9 participants)	Mixed men and women aged 25–34	Zugdidi	10.12.05
Focus Group G (9 participants)	Mixed men and women aged 35–65	Zugdidi	10.12.05
Focus Group H (14 participants)	Internally displaced persons	Zugdidi	09.12.05
Focus Group I (10 participants)	Internally displaced persons	Kutaisi	07.12.05
Focus Group J (10 participants)	Women aged 25–60	Kutaisi	07.12.05
Focus Group K (10 participants)	Mixed men and women aged 25–34, Armenian	Akhaltikhe	08.12.05
Focus Group L (8 participants)	Mixed men and women aged 35–65, Armenian	Akhaltikhe	08.12.05
Focus Group M (8 participants)	Mixed men and women aged 25–34, Azeri	Marneuli	12.12.05
Focus Group N (10 participants)	Mixed men and women aged 35–65, Azeri	Marneuli	12.12.05

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## **ANNEX 2: Tbilisi Plan of Action (Tbilisi, 10 June 2006)**

We Parliamentarians,

*Meeting* in Tbilisi from 9–10 June 2006, in the context of the Regional Parliamentary Workshop on Small Arms, and Light Weapons;

*Welcoming also* the Eighth Central Asia and Caucasus Regional Forum on Export Controls held in Tbilisi, Georgia from 16–19 May, 2006;

*Aware of* the linkage between inadequate State oversight of small arms production and/or ineffectual or inadequate small arms and light weapons export regulation and the fuelling of conflicts in other States and Regions;

*Aware also of* the linkage between Small Arms and Light Weapons, Political instability, insecurity and the hindrance of development;

*Confirming* our attachment to the principles and objectives contained in the United Nations Charter aimed at safeguarding future generations against the scourge of war and creating the necessary conditions for peace, security and stability in the world;

*Hailing* the adoption of important legal and political instruments including:

- the United Nations Action Programme aimed at Preventing, Combating and Eliminating illicit trade in small arms and light weapons in all its aspects;
- the Additional Protocol against Illicit Production and Trade in Firearms, Firearms parts, pieces and munitions, to the United Nations Convention against Organised Transnational Crime;
- The Wassenaar Arrangement Elements for Effective Legislation on Arms Brokering;
- The Organization of American States (OAS) Model Regulations on Brokering;
- The EU Common Position on the Control of Arms Brokering;
- The OSCE Principles on Controlling Brokering.

*Notes with Appreciation* the ongoing important engagement in the area of Small Arms and Light Weapons control in the region and in Neighbouring States by the UNDP and OSCE;

*Recognizing* the importance of Civil Society and Gender in the area of Small Arms generally and the need to engage on a regular basis with Civil Society in identifying more effective means of controlling Small Arms proliferation;

*Convinced* of the important role that Parliamentarians from the region and Neighbouring States have to play in the struggle to promote democratic principles and good political governance, respect for human rights and peace, security and justice;

*Commending* Parliamentarians for Global Action (PGA) and the Parliament of Georgia in taking the initiative of organizing this Regional Parliamentary Workshop;

*Expressing its Appreciation* to Parliamentarians for Global Action, the Parliament of Georgia, the OSCE Mission to Georgia, UNDP, the Open Society Foundation Georgia, the US Embassy, Tbilisi and Saferworld in their provision of support for this Parliamentary Workshop

*Have agreed* to implement the following Plan of Action:

### **I – At the national level**

1. Introduce and support legislation addressing arms trafficking originating within and across our respective States, including by establishing and/or improving State approved arms and munitions broker lists, enhancing tighter export controls and introducing more serious penalties for infringements of applicable laws;
2. Conduct advocacy aimed at governments for the setting up of permanent and independent national commissions with sufficient human, material and financial resources to effectively combat the proliferation of small arms and light weapons;
3. Initiate, in close collaboration with government agencies and civil society organisations, information, awareness and education campaigns aimed at the general population on the issue of small arms and light weapons;
4. Form parliamentary networks on issues relating to democratic transition and the fight against the proliferation and illicit trade of small arms and light weapons and post-conflict justice;
5. Support the development of a legally-binding, global instrument regulating brokering of small arms & light weapons at the UN Review Conference in New York at the end of June 2006;
6. Support, and encourage our respective Governments to support, the drafting of minimum common standards on international arms transfers at the UN Review Conference in New York at the end of June 2006, and other related initiatives towards the subsequent development of an international Arms Trade Treaty;
7. Ensure that existing stocks of weapons and ammunition are secured, maintained and regularly inspected to the highest possible standards and seek the assistance of international partners to improve standards where they are in any way a threat to security or public health;
8. Support the destruction of national surpluses of Small Arms and Light Weapons and ammunition while maintaining the highest safety standards;
9. Work to revise and update national legislation on small arms and light weapons to ensure compliance and conformity with the UN Programme of Action;
10. Ensure that those States that have not already done so ratify and enforce the Ottawa Convention on antipersonnel mines;
11. Encourage and support voluntary surrender campaigns for small arms and light weapons;
12. Call for increased overall transparency with respect to national controls over small arms and light weapons, in particular through making provision for greater parliamentary oversight in this area;
13. Encourage governments to strengthen judiciary institutions and create the conditions for their independence;
14. Urge governments to take appropriate action to combat impunity, especially in post-conflict situations;

### **II – At the regional and international levels**

15. Work towards achieving greater cooperation and coordination among Parliamentarians and Governments from the Region and Neighbouring States in achieving the objectives set out in Section I above;
16. Organize regular sub-regional and regional meetings to assess progress in the implementation of the Tbilisi Plan of Action;
17. For that purpose, create a support mechanism for the parliamentary networks.

**This report is published as part of CIPDD and Saferworld's project on small arms and human security in the Caucasus.**

**The Caucasus Institute for Peace, Democracy and Development (CIPDD) is an independent public policy think-tank based in Tbilisi, Georgia. Since 1992, it has been actively engaged in policy research, training and advocacy on democratic transformation, institution building and creating the foundations for sustainable peace and security. CIPDD has conducted projects throughout the Caucasus, the Black Sea and the Balkans in partnership with civil society, national governments and international organisations.**

**Saferworld is an independent non-governmental organisation that works to prevent armed violence and create safer communities in which people can lead peaceful and rewarding lives.**

**COVER PHOTO:** Russian peacekeepers' outpost at the bridge on the Inguri river. © VALERY MELNIKOV/KOMMERSANT



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